California's 'Assault Weapon' Chaos — Sam Paredes

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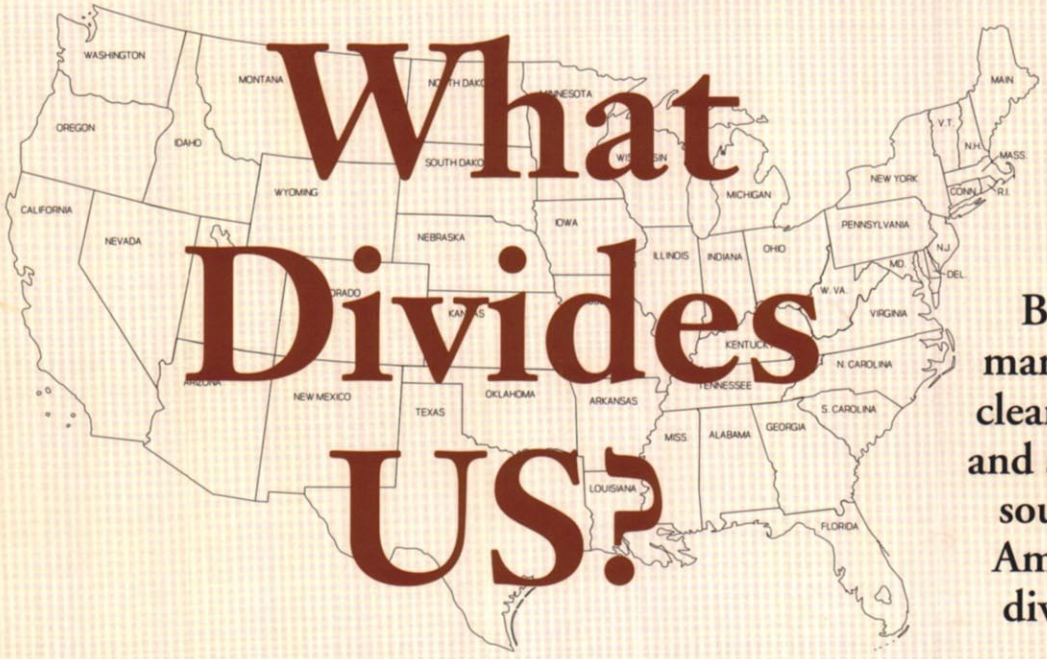
Farmyard Fraud

California celebrates ...
Cesar Chavez Day?
by Steve Baldwin



What Divides US?

Bush's mandate is clear to see, and so is the source of American division.

John Kurzweil

Whither Goest Legislative Republicans?
By Ray Haynes

Pete Wilson's Last Tax Increase
By Tim Ferguson

The Energy Deregulation That Wasn't
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By Leon McKinney

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An Opening for Common Sense

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by John Kurzweil
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Dems' end of session buffoonery
by Steve Baldwin
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— Irving Kristol

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CORRESPONDENCE

Back Home for Gore

I loved the "Country Boy" piece (*CPR*, Sept./Oct., 2000) by Dennis Hollingsworth.

Lucille Collura
Los Angeles

Muggeridge Prescience

"The Decade of the Great Liberal Death Wish" (Malcolm Muggeridge, *CPR*, Sept./Oct., 2000) could have been written today, using the Gore team's ferocious attack on our core political institutions as a prime example. "...the liberal mind," Muggeridge writes, "drooling and dissolute, has been entrusted with the historic task of bringing to an end what we are supposed to be defending with might and main — I mean what we still like to call our free way of life and the free institutions which have sustained it." Such as the Rule of Law, which Al Gore, on election night, called a cornerstone of our national life, just before launching his month-long assault on it, and democracy, which Gore's final extravaganza was all about overturning, topping it off with the cynical demand that "every vote be counted," all the while (and, evidently, for many months leading up to the election) participating in an all-out campaign to disenfranchise America's servicemen, the one group most deserving of the vote we enjoy because they protect it for us.

What could be imagined to capture the sheer lunacy of the spectacle, with the media according every indefensible act and imbecilic rationalization a sort of breathless solemnity, and then unleashing its "wrath and derision" upon anyone, but mostly upon Florida Secretary of State Harris, for trying to stand *with* the law or honest voting? What can this be but a death wish for our democracy? Thank you for publishing Mr. Muggeridge's piece, putting it all in perfect context.

Ronald Wilkinson
Buena Park

Yet Another Crisis

The East Bay media are having a second round of "reports" on legislative and bureaucrat "show hearings" (Aroner-Berkeley) identifying "crisis in dental care for poor children." The articles are larded with half-truths and false causes. This is the Democrat Legislature creating cover before they multiply and expand school-based clinics.

The operative lie is a "shortage of providers" willing to accept (welfare) kids. Any drop in providers is due to Democrat legislative votes against appropriate increases in the reimbursement rate. These rates have lagged behind inflation for eight years, despite a recent six percent increse (after five years of no change). The GOP offered 20 percent; the Dems said no. I have treated these kids for 20 years and there is no evidence of an unmet demand, let alone a crisis.

I am contacting local dentists, pointing out that the state is poised to go into direct competition with us and also with minority dental groups that represent the doctors that treat these kids.

Dental clinics alone may not be a big deal, but we know this is just a beachhead — incrementalism to move health care toward state control (Hillary Care).

John Gaines DDS
Oakland

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SACRAMENTO SPECTATOR

For years we have been hearing that the one way the GOP can compete in California is to nominate moderate candidates who won't "scare" the electorate with all those messy social issues.

November brought these results. Moderate, pro-abortion, anti-gun Congressman Tom Campbell lost his statewide race for Senator by more than two million votes, an all-time record. Moderate, pro-abortion, anti-gun Assemblyman Jim Cuneen lost his race for Campbell's Congressional seat by 12 percent. Moderate, pro-abortion, anti-gun Republican Sue Jackson lost her race for Cuneen's Assembly seat by 9,000 votes.

It was a moderate *trifecta,* losing a U.S. Senate seat, a Congressional seat, and an Assembly seat. This is the bold new future Brooks Firestone and the moderate wrecking crew promise if we will only put them in charge of the state Party. You at least gotta admire their gall.

On another topic — it will be interesting to see how the energy crisis plays itself out. The GOP ought to be able — easily — to find ways to get ahead of this curve, and give Gray Davis, the Democrats in general, and their environmentalist-wacko allies a black eye. This, of course, would require some "non-moderate" stances and verbiage. But it is an issue ripe for use against the Democrats. Let's hope someone in the GOP camp under the dome has their thinking cap on.

The split-roll tax boomlet continues apace around town. It is the elephant in the living room "polite folks" don't want to talk about. Yet there is no overestimating the anger most GOP office holders and taxpayer groups feel toward big business. Discussions are ongoing about the best way to proceed. Assemblyman Bill Leonard even let the cat out of the bag — quite purposely — to the *Sacramento Bee* shortly after the election.

The business community responded with "shock, shock," that anyone could entertain such a "radical" idea. Hmm, seems radical ideas are only okay when it comes to raising property taxes. Of course radical ideas are also okay when held by Democrats, presumably the reason that the California business community helped bankroll Democrat candidates last fall so generously.

Your *Spectator* heard a wonderful scenario the other evening during a private talk with several high-ranking GOP staff members from both houses. Harvey Rosenfeld, left-wing scourge of the business community in Sacramento and self-styled "consumer activist," joins forces with the Howard Jarvis Association and other taxpayer groups to launch a major overhaul of the business tax system. Rosenfeld would get his long sought-after split-roll and other tax changes. The taxpayers would get a reinstatement of the two-thirds requirement to pass bonds. Business would get the short end of the stick and a $50 million campaign price tag if they wanted to derail these measures.

Governor Davis and most Democrats would have to side with their newly purchased strumpets in big business, so the GOP would be able to posture itself as the friend of the small homeowner and the consumer. This is a winner on the merits, and a winner in the "payback" category. I can hardly wait for the campaign to begin.

— A. P. C.

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The Rambo Litigator

The Democrats lost the battle in Florida, but who will win the war?

MARK S. PULLIAM

THE CRISIS in Florida was the logical — and perhaps inevitable — culmination of a series of trends and developments in law and politics over the past 50 years. (As we shall see, law and politics, once separate disciplines, have merged in many respects.) The immediate antecedents of the attempted hijacking of the 2000 election are the Clinton impeachment fight and the O.J. Simpson criminal trial. What we are witnessing is nothing less than a lawless regime of, by, and for the lawyers. The outline of this phenomenon becomes apparent when one connects the dots.

First, changes in ethical, substantive, and procedural rules in recent decades have transformed lawyers from genteel members of a profession and "officers of the court" into ruthless mercenaries who will resort to any tactic to win. The advent of attorney advertising, contingent fee arrangements, class action lawsuits, and the ability to engage in open-ended discovery during litigation — all relatively recent developments — did much to usher in the era of lawyer-as-hired-gun. Your correspondent has previously bemoaned these changes and their consequences. (See "California's Crushing Tort Tax," *CPR* Fall 1993; "The Litigation Lottery Spins Out of Control," *CPR* May/June 1999.) But the problem is not just the number of lawyers, or the power they wield. How did the legal profession lose its soul? In the past, law was imbued with morality, and justice was conceived as a pursuit of truth. Not anymore. These days, lawyers are ethically bound to "zealously represent" their clients and to advocate novel and even far-fetched legal theories. In a fallen world, it is hard to tell whether this obligation served as a cause of, rather than an excuse for, boorish behavior, but what it unquestionably produced was the "Rambo litigator." Referring to the "reigning view of lawyers' ethical responsibility" as "all gas pedal and no brake," Walter Olson observes in his book *The Litigation Explosion* that "[w]hat we got ... was a gangland war where the weaponry and tactics are varied and imaginative, spies are everywhere, all sorts of bystanders get mowed down, and the fighting continues around the clock for years. In the hope of getting justice, the American law deregulated combat." Quite so.

If lawyers are ethically bound to win at all costs, truth becomes an impediment to be overcome. The most effective litigation tactics become those that suppress, distort, or otherwise defeat the truth. The implicit corollary to this is that lying — even lying under oath — is acceptable, *if that is what it takes to win.* Lawyers now routinely present lies to courts and juries. Many cases, and most defenses in criminal cases, rest *entirely* on lies. The Menendez brothers killed their parents in self-defense; O.J. Simpson couldn't have killed his ex-wife because he was chipping golf balls in his front yard; Bill Clinton didn't have sex with Monica Lewinsky; and a dimpled chad is a vote for Gore.

CONSIDER THAT our most celebrated lawyers — in a culture that worships celebrity — are those who have succeeded in acquitting the obviously guilty (Johnnie Cochran *et al.*/O.J. Simpson; David Kendall *et al.*/Bill Clinton; Alan Dershowitz/most, if not all, of his clients) or punishing the innocent (David Boies/

Mark S. Pulliam, California Political Review's *legal issues correspondent, is an attorney in private practice in San Diego.*

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THE FRONT LINE

Whither Goest Republicans?

by Ray Haynes

It's now three in a row. After the heady days of the 1994 victory, which quickly collapsed into a Florida-style morass of lost votes and recalls, legislative Republicans have seen a net loss of 14 seats in the Legislature (12 in the Assembly, 2 in the Senate). Five Assembly GOP leaders and three Senate leaders later, with strong Democrat majorities in both houses, redistricting is coming, record surpluses again abound, and a gubernatorial election is on its way. How will Republicans react?

First: the bad news. Republicans have reverted to some of their sordid dealings with each other. On the first day of session, one of the future leading lights for Republicans in general, and Republican women in particular, was forced to resign by an unholy conspiracy between a disgruntled loser and the amoral Democrat Attorney General. Jan Leja, who admittedly made some stupid mistakes in filling out her campaign forms, resigned under the threat of a felony perjury charge filed against her by Russ Bogh, her Republican primary challenger and former Pete Wilson staffer. Jan, and her husband Doug, began the race as true "citizen" politicians and early on in the race, filed their own campaign filing forms. They did them wrong, admittedly, but ultimately changed the forms when they hired a lawyer. Undeterred by the technical nature of the mistakes, Bogh filed the criminal complaint, and Bill Lockyer, the Democrat Attorney General, seeing the chance to take out a rising Republican star, threatened felonies against Leja and her husband. Jan could take the heat; her husband could have lost his job just by the filing of the complaint. Rather than risk starving her family, Jan left the Legislature. We lost an intelligent, articulate, conservative woman, for a Party that desperately needs such women, because her white, male opponent was an Al Gore-like sore loser.

The death of Republican influence over the years has been this ceaseless division, rewarding personal ambition and hurting the cause in California. I am passionate about the principles that bind us as a Party: individual liberty, limited government, low taxes, free enterprise, strong families, and respect for human life. Some of my colleagues care more about their next paycheck or tomorrow's headlines.

Next: the good news. Assembly and Senate Republicans appear to be working closer together this year than they did in the last two years. Senate Republicans, even though they lost a seat in 2000, are stronger at 14 than they were at 15 or 16. It only takes one vote to deliver a two-thirds budget or fiscal vote to the Democrats, but getting that one vote will be harder this year than getting two or three votes was between 1994 to 2000. Adding Tom McClintock, Jim Battin, Dick Ackerman, Bob Margett, and Rico Oller has maintained Senate Republicans' strength in their already strong districts, and filled in their weaknesses.

A final note: pollsters from the *moderate* Republican Leadership Council, addressing an Assembly/Senate GOP caucus retreat, said the key to Republican victory in California is a strong, consistent commitment to small government. People believe us and like us *as a Party* when we fight for small government and low taxes. The problem is that after hearing four hours on needing to talk about cutting government, we spent the next two days talking about how we could use the $13 billion to *expand* government. We have a long way to go, but it is not all hopeless. It will just be a lot of work. CPR

Republican Whip Ray Haynes represents California's 36th state Senate District.

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Microsoft). Indeed, the measure of these celebrities' fame is determined by the degree to which they are able to triumph over the truth through cunning, trickery, and demagoguery. For example, Al Gore's much-hyped "super lawyer," David Boies, solicited and filed an affidavit in the Florida litigation that misrepresented the facts of an important Illinois case relied on by the Florida Supreme Court in its infamous November 21 decision. The affidavit prepared by Boies claimed that an Illinois court conducting a recount considered dimpled ballots as votes, but the facts were otherwise: dimpled ballots were *not* counted. Even after this deception was exposed by the *Chicago Tribune* and the signer of the affidavit recanted it, Boies did *not* withdraw the erroneous document or notify the court in Florida of the mistake. At worst, Boies suborned perjury; at best, he violated the rules of practice in Florida by not correcting the record. In either case, he should be disciplined (if not disbarred), but instead he basks in praise and accolades. We have come a long way from the archetype of "Honest Abe" as the plainspoken country lawyer.

Second, the "politics of personal destruction" — demonizing one's opponent through the Big Lie — has become a principal weapon of the left in the arena of partisan politics, in the court of public opinion and, as law and politics merge, in the battleground of activist litigation. Recall the campaign of deceit waged with such effectiveness against Robert Bork in 1987. A new verb, "being Borked," was born. Ted Kennedy, the senator from Chappaquiddick, set the tone by falsely charging that "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, school children could not be taught about evolution, writers and artists would be censored at the whim of government ...." With the help of an obliging media and left-wing special interest groups such as People for the American Way, the left suc-

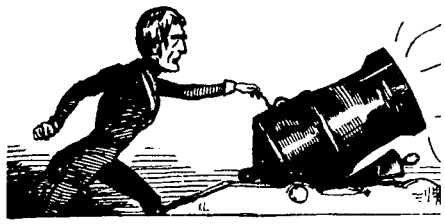
WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

If you own a semi-automatic firearm the state deems an "assault weapon," you must, by law, register it. If you do not own such a gun, you cannot legally acquire one. And if you come to California, you must leave such weapons behind. What exactly are assault weapons? What are the registration deadlines? Good questions — with answers so confusing that law enforcement will apparently ask the Legislature to extend the deadlines *only* for them, leaving all other law-abiding citizens to figure them out on their own.

California has not one, but two distinct sets of laws on so-called "assault weapons." First, the 1989 Roberti-Roos Assault Weapons Control Act bans guns by exact model name. In other words, if the gun is on the list, it's history. Ten years later, Senate Bill 23 further mucked things up by defining "assault weapons" by physical description — how they *look*. If a semi-auto rifle is black and ugly, has a detachable magazine and either a collapsible or thumbhole stock, a flash suppressor, a conspicuously protruding pistol grip, a forward pistol grip, or a grenade launcher, it is evil. And don't forget those dastardly handguns with threaded barrels, ventilating barrel grips or magazines located forward of the trigger. They're also banned.

On August 16, 2000, California's Ron George Supreme Court ruled the Attorney General can add to the list of guns banned under Roberti-Roos. Bill Lockyer quickly added all AK "series" and AR-15 "series" (copies of the originals) guns, setting a registration deadline of December 31, 2000, coinciding with the deadlines for SB 23 registrations. But state law requires minimum lengths for registration periods, and Lockyer's deadline failed to do that. He had to reset it to January 23, 2001. So SB 23 registrations were due by December 31, 2000, Lockyer's by January 23, 2001.



Which applies to whose gun? If you make a mistake, you could be in trouble unless you are a law enforcement officer ... maybe! (If you are confused, call us at Gun Owners of California — 916/967-4970. If we can't help you, we can at least give you the name of a good lawyer.)

Sam Paredes is executive director of Gun Owners of California.

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LEGISLATIVE FILE

Soaring energy prices dominated lawmakers' attention in Sacramento as the new year began. As we go to press, Gov. Gray Davis's Special Legislative Session is being called to order to "deal" with steeply-rising electrical energy bills and warnings of impeding bankruptcy for the state's major private electrical utility companies.

California's electric power "deregulation" program, which began going into effect January 1, 1998, was only partial deregulation. Before '98, California electricity customers were served by monopoly electric generation providers, assigned according to the customer's geographical location. At the time, the resulting lack of competition was blamed for rates here 40 percent higher than the national average.

But the new "deregulation" law only removed controls on wholesale electricity prices; government, rather than the market, continued to set retail price levels. At the same time, the law required the state's three major privately-owned electric utilities, Pacific Gas & Electric, San Diego Gas & Electric, and Southern California Edison, to relinquish their electricity generating assets and forbade long-term contracting by these utilities for power. Finally, all this took place with no lightening of the regulatory stranglehold that has kept California from bringing a single major generating plant on line since the early 1990s, even though state demand for electricity is growing at a rate of 1,000 megawatts a year and two-thirds of existing plants are at the end of their lifespan.

Two years into "deregulation," California's major utilities find themselves unable to produce much of their own electricity, unable to set market prices for their product, competing with out-of-state buyers free of these California-imposed constraints, and facing wholesale electricity prices 100 times higher than the prices the state lets the utilities charge in re-selling power to consumers.

The left is calling for hundreds of millions of dollars in state-funded, involuntary energy "conservation" programs. Davis is blaming the federal government for its refusal to re-impose the wholesale price controls the state removed. The Federal Energy Regulatory Commission blames the utilities' reliance on buying electricity in daily markets, rather than through long-term contracts — long-term contracts having been banned under "deregulation." Some easing of this restriction may be taking place.

The left is also complaining about past "uneconomic" investments by utilities, but, as free market economist Ben Zycher points out, those investments "for the most part are contracts for grossly inefficient 'renewable' power, forced upon the utilities by" consumer groups. Zycher says, in the short run, prices must rise to provide consumers incentives to conserve and to permit utilities to compete for "available" supplies. In the long run, he argues, higher prices will stimulate investment in new power plants and create a consumer-based political power center, demanding more power generation and strong enough to force the "environmental" lobby to retreat, at least somewhat.

Look for conservative Republicans to try to embarrass Democrats by urging genuine deregulatory policies, while the Dems scramble to shift the blame (to the feds, for instance) and to appear to be opening the market while actually doing nothing to upset their left-wing constituents. This could be a good early test of the legislative GOP's ability to hold together on a bedrock big government vs. free markets issue. CPR

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ceeded in defeating the nomination of an honorable and eminently qualified man.

Emboldened by the Bork fight, the Democrats destroyed Newt Gingrich and tried but failed to destroy Clarence Thomas. Bill Clinton's spin doctors (Carville, Begala, *et al.)* used this ploy to smear Linda Tripp, Paula Jones, and, in particular, Ken Starr, and Clinton himself won re-election in 1996 by demonizing Republicans to increase voter turnout in the black community (remember the rhetoric about church burnings?).

The O.J. defense team relied to a great degree on the personal vilification of Mark Fuhrman. Trial lawyers have perfected this technique in their assaults on the tobacco, gun, and other industries. In the waning days of the 2000 campaign, Al Gore engaged in a desperate — but apparently effective — attack on Governor Bush's intelligence and an outrageous distortion of his Social Security reform proposal, not to mention the last minute revelation of a 24-year-old DUI arrest. Is it any wonder, then, that the Democrats and the media spew venom at Katherine Harris, or that Democrat operative Bob Beckel is doing opposition research on Republican electors?

THIRD, THE ascendancy of "legal realism" — a theory that presupposes that law has no fixed, ascertainable meaning, but only represents prevailing judicial attitudes regarding what is socially desirable — unleashed a growing torrent of judicial activism. (*See* "Tony Kline's Green Light," *CPR* Sept./Oct. 1999.) Simultaneously, a revolution of liability rules in recent decades spawned a litigation explosion. As a result of these developments, activist judges and predatory trial lawyers exercise unprecedented power and influence. Following Acton's dictum, this largely unchecked power has produced a further impairment of whatever flimsy principles and scruples the judges and lawyers possessed before attaining their present exalted status. As we've seen most recently in the Florida Supreme Court, litigation now resembles a World Wrestling Federation tag team affair, with the courtroom as the ring, except that the referee is really a participant in the fight. Thus, the spectacle of Florida's seven Rose Birds, unanimously *and without invitation from the parties,* enjoining an elected official (Katherine Harris) from complying with her legal duty to certify the election results within seven days, rewriting an unambiguous statute, and overruling the factual findings of the trial court in the absence of any showing of error. (Writing in the *L.A. Times,* former California Supreme Court Justice Joseph Grodin, voted off the court in 1986 along with Rose Bird, dispelled any doubt when he defended the Florida Court's illegitimate usurpation of legislative authority as "a well-reasoned and balanced accommodation" that "deserves commendation." Considering the source, this speaks volumes.)

Such brazen manipulation of, or outright nullification of, controlling statutes, constitutional provisions, or judicial precedents to achieve the desired result is, unfortunately, a commonplace occurrence. It happens every day in courtrooms, trial and appellate, state and federal, throughout the country. The "rule of law" is in many respects a hollow phrase to which lip service is paid but little else. Consider that a jury acquitted O.J. Simpson because the defense successfully urged them to disregard the jury instructions; Bill Clinton escaped impeachment because the Senate was unwilling to enforce the law; the tobacco settlement was in reality a coerced payoff in a legalized extortion scheme; and Gore supporters talked of lobbying (and intimidating) Republican electors to disregard their pledges to vote for the winner of their states' popular vote. The courts — and law generally — have become just another forum for political disputes, albeit with a patina of non-partisan respectability. And since politics has degenerated into personal attacks and character assassination, so has the law. Law professor Robert Nagel comments that "to a remarkable extent our courts have become places where the name-calling and exaggeration that mark the lower depths of our political debate are given a more acceptable, authoritative form." The quality that both politics and law most obviously share is an overarching nihilism.

Fourth, the left has captured the "chattering classes" — the media, academia, and the legal profession. It became difficult to distinguish news coverage from partisan flackery throughout the presidential campaign, and particularly during Gore's attempted theft of the election in Florida. The ferocity of the media's antipathy toward Katherine Harris is truly breathtaking.

Why, then, did Gore's attempted coup fail? Why did the army of unscrupulous lawyers filing a blizzard of baseless lawsuits, with a captive media cheerleading on the sidelines, and the most liberal state supreme court in America not succeed in picking up 930 votes to win the election? In a nutshell, Al Gore underestimated the resistance. Florida's Republican political es-

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tablishment fought back. More importantly, the public had a direct stake in the outcome of the litigation, paid close attention to what was happening, and vigorously opposed the Gore team's legal terrorism. This included noisy but well-behaved protests and the effective application of political pressure on elected officials. As long as we are a free nation, an organized, committed, and vocal populace will fight off the yoke of tyranny.

But, of course, the greatest heroes in this battle are the seven U.S. Supreme Court justices who finally stepped in and called a halt to the farce, affirming what had been obvious all along: that what Gore, using the scofflaw Florida Supreme Court, was trying to do was illegal under the federal Constitution's equal protection — one man, one vote — provisions.

The Allies' ill-fated Operation Market Garden in WWII — the overly-ambitious post D-Day offensive featured in Cornelius Ryan's best-seller, *A Bridge Too Far,* and the movie of the same name — provides an apt analogy (although the roles are reversed). Led by Field Marshall Montgomery, the Allies underestimated the retreating Germans' resistance, launched an airborne invasion that they could not sustain, and suffered a humiliating defeat — incurring more casualties than at Normandy. But despite this victory, the Germans lost the war. Likewise, Republicans should celebrate Al Gore's defeat, but they would be mistaken in thinking they won more than a battle. The Democrats (and their allies: the media, trial lawyers, and activist judges) will be back. The war is not over.

What lesson can be learned from this brush with Banana Republic politics? With lawyers and judges running elections, our liberties are as precarious as a hanging chad. To avoid being held hostage again by thugs and gangsters brandishing lawsuits instead of weapons, we must disarm the perpetrators. The second and fourth points I raise above are cultural (or perhaps spiritual) maladies as to which your correspondent offers no solution. But we can retrace our steps through the minefield of recent legal developments and disempower lawyers through meaningful legal reform: adopt loser pays rules, abolish the contingency fee, curtail liability rules, limit the award of non-economic and punitive damages, control class action abuses, and tighten up ethical rules to restore honor and decency to a profession that has lost its way. Judicial activism can be curbed by bringing the judicial branch back down to earth. Get rid of the black robes, quasi-religious trappings, and undeserved deference. Judges are just civil servants, not Delphic Oracles, priests, wizards, or shamans. The executive and legislative branches should reclaim the prerogatives that have been surrendered to or usurped by judges. And the public has to remember what it feels like to engage in combat with a vicious, remorseless, implacable enemy, because the fight has just begun.

THE MIDNIGHT ECONOMIST

Impoverishment Through Plenty

Historians and The Depression

Sometimes scholars manage to remind us of politicians.

WILLIAM R. ALLEN

We have lurched and staggered through another presidential season. In political contests, good history is likely to be a casualty. Consider a historical case of bad history — and bad economics. In his book, *Coolidge and the Historians,* Thomas Silver makes it depressingly clear that partisan history can be a weapon in a war of ideology. Perverted scholarship is the more reprehensible when directed against the innocent young.

A well-known high school history textbook explains the end of "Coolidge prosperity" and the onset of the Great Depression of the 1930s. The world abruptly became poor, we are told, because the Unit-

William R. Allen, along with being a stalwart of the UCLA Department of Economics, is a thinking man's historian.

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ed States produced too much. Having "mastered the problems of production," American manufacturers could not "find the mass markets for the goods they had contrived to spew forth in such profusion." "The nation's ability to produce goods," the textbook tells us, "had clearly outrun its capacity to consume or pay for them."

The historians surely do not really mean that we had become so productive in this vale of scarcity that we could not consume all our output. But why could we not pay for it? The answer: "Too much money was going into the hands of a few wealthy who in turn invested it in factories .... Not enough was going into salaries and wages ...."

The silly thesis that we suddenly produced ourselves into poverty did not originate with the textbook authors. They were repeating mythology perpetrated by luminaries of the historians' fraternity, sensitive scholars preoccupied with the wickedness of wealth and anxious to do good.

Dr. Silver documents some of the errors of the eminent story-tellers.

One, it is held that monetary policy of the 1920s accelerated inflation and fueled speculation. Inflation stems from the money stock growing too rapidly. Actually, the amount of money rose very little in the '20s, with the price level declining a bit.

Two, supposedly, tax cuts vastly aided the rich and hurt the poor, further stimulating a speculative craze and leading to over-saving. Actually, the individual income tax cut came some four years before the major stock market surge; it was a minute reduction overall, with taxes paid by the very wealthy increased enormously and those paid by the bulk of the populatijon almost eliminated; and the corporate tax was increased.

Three, income was purportedly becoming more and more maldistributed in favor of the wealthy. Actually, over those few years, there was virtually no change in the proportion of national income received by the wealthiest segment of the community. Following three decades in which real wages increased very slowly, they expanded greatly — while profits rose only moderately — during the decade following World War I.

Finally, the alleged over-saving and over-investing by the wealthy was accompanied by deficient consumption by the poor and thus failure to absorb all of the increasing output. Actually, consumption expanded steadily and did not decline as a proportion of growing gross national product.

The scholars are guilty of simple-minded misinterpretation of badly selected, and sometimes invented, scraps of evidence. Such a sorry pattern of performance is consistent with — and thus inexorably suggests — a bias which is deliberately devious. Some supposedly dispassionate professors can be as untrustworthy as most clearly partisan politicians.

THE WORKING PRESS

Pete Wilson's Last Tax Increase

The election's most underreported story: business billionaires funding an initiative to extract hundreds or thousands of dollars from property owners of modest means.

TIM W. FERGUSON

Of all the state political stories that deserved more press attention, none ranked higher than Proposition 39, the tax liberalization for government school bonds. We knew from the previous attempt in the spring to pass such a measure how vital this cause was to those left of center. This time, they succeeded, thanks to an extraordinary infusion of money from business interests. Among them: John Walton, discount store heir and until now a potent force for competition in schooling. Topping the list of Repub-

Tim W. Ferguson is California Political Review's *press critic.*

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licans lending a big helping hand was former Governor Pete Wilson. A fighter in recent years for school reform, Wilson apparently bought into the notion — or as many saw it, the distortion — that Prop. 39 was a vehicle for driving through many of those reforms, which often founder on roadblocks erected by the educationist lobby. That lobby so badly wanted more school money that it swallowed the putative reforms.

We shall see how much of the advertising barrage the business millions paid for — hiding the likely tax increases and touting the improved "accountability" — proves to be a lie. What we do know is that, despite an aggressive media effort by Shari Annis of the taxpayer group effort to defeat Proposition 39 — the press balked at noting the ripe paradox of business billionaires funding this effort to extract hundreds or thousands of dollars from property owners of modest means. By far, the best summation of this outrage was a column by Washington-based economics writer Jim Glassman in the *Wall Street Journal* the day before the election. The *Orange County Register* picked up the piece on its editorial page on election day, but by then many absentee votes had already been cast and most other voters had made up their minds. Rather more and rather sooner, especially given the *Register's* historic role as a taxpayer bulwark, might have been hoped for. As for the rest of the press, aside from the expected portraits of the pliant business leaders "dealing" at last with the education crisis (and contrasting them with Tim Draper and his ill-fated voucher initiative), there was little attention paid.

No one expects full disclosure in politics, but it might be noted that if some of the Silicon Valley honchos who funded Proposition 39 ever tried to describe their own companies' activities in the misleading fashion employed by the advertising they underwrote, they would be subject to shareholder lawsuits and probably action by the SEC.

Following the latest implosion by the California GOP, a curious refrain surfaced. Moderate Republicans who suffered some of the most glaring setbacks set about blaming their misfortunes on the conservative tilt of the state Party. This would seem to confound the position they advanced in the past, that the GOP would stand a better chance if it nominated less

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right-wing candidates. Now, the message is that if these hopefuls lose, it is not their fault but that of the rest of the Party. In other words, it is no longer enough to have a big tent, we need a new guest list altogether.

THE STATISTICAL carnage at issue was nowhere more evident than in the underwhelming Senate campaign of longtime moderate poster boy Tom Campbell. Although Campbell had much to recommend him from a libertarian perspective, his electioneering effort — notably covered by Greg Krikorian of the *Los Angeles Times* — was a bust from March onward. In the end, he got fewer votes (and a lower percentage) than did the much-derided and long-forgotten John Seymour (also a moderate) against Dianne Feinstein in 1992. This factoid virtually escaped press notice.

Instead, George Skelton of the *Times* rallied the faithful in a post-election column in which he led the scapegoating of the GOP conservatives. Abortion rights, gun control, and environmental protection — these were the winning issues that Republicans just couldn't get right. Funny thing is, though, Campbell and his compatriots *did* get them right — and lost big. The Skelton collection of illogic went on, interestingly, to try to redeem Pete Wilson's reputation by subordinating the Propositions 187 and 209 explanations for the eight-year Republican falloff to the other benightedness that seems to turn off women voters. (It might be recalled that Wilson, when in office, could always count on a nice Skelton column after sitting for an occasional interview.)

If the *Times* (or any other major paper) carried a conservative state political columnist, here is what might be replied: Why don't those who are convinced that the remnant right of the GOP is holding back progressive majority rule try putting an initiative on the ballot — for example, enacting strict gun controls — and see what happens? See just who the resulting turnout sweeps aside. As Clint Eastwood once said: make my day.

♣ ♣ ♣

In fact, it remains for some good pundit to get to the bottom of where the GOP turnout has gone. And that is the essence of the party's defeats, not the minorities vote, not the young, not those who register in other parties. California Republicans simply are not going to the polls as they did in the Jarvis-Reagan era. Did they die? Move away? Lose interest? Perhaps there simply hasn't been a galvanizing issue. Taxes, particularly property taxes, used to be one, and might have been again with Proposition 39, but the Party kicked that one away.

♣ ♣ ♣

Early indications are that the merged *San Francisco Chronicle* and *Examiner* will make room for pretty much the range of opinion that existed in the two papers separately, which is to say mostly to the left but including the often-conservative Debra Saunders. Meanwhile, Republican-bashing columnist James Goldsborough is now the most visible political commentator in the steadily-less-conservative *San Diego Union-Tribune.* Reader response indicates the locals are taking notice.

♣ ♣ ♣

A few year-end bouquets:

• To the *SF Weekly,* for a story on how "affordable housing" is so expensive to build in the city. (Hint: cronyism.)

• To the *L.A. Times,* for a Dan Morain piece on Gray Davis's less-visible fund-raising ploys.

• To the *O.C. Register,* for a post-election editorial on how state taxes really could be cut (drawing from a list by re-elected Assemblyman Tony Strickland).

• To *New Times LA,* for a story on the continued machinations of Mervyn Dymally and his proteges, now exploiting an obscure but lucrative water district.

• To the *Wall Street Journal/California* edition (now deceased), which, despite keeping a little too close to bureaucrats and regulators, could be counted on for deep reporting on important but unsexy state stories. CPR

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California Democrats Honor Cesar Chavez

Farmyard Fraud

The California State Legislature recently passed — and the governor signed — a bill declaring March 31, birthday of the late Cesar Chavez, founder of the United Farm Workers Union (UFW), a new state holiday. The bill's proponents argued that this holiday is warranted because California has none honoring any Latino. This is certainly strange given California's rich Latino heritage, but the choice of Cesar Chavez is stranger still. Holidays honor individuals whose contributions to society are beyond dispute and whose achievements are clear to all — people of distinct

Holidays honor those whose contributions to society are beyond dispute and whose achievements are clear to all — Was Cesar Chavez such a man?

BY STEVE BALDWIN

The Honorable Steve Baldwin represented California's 77th Assembly District from 1995 through 2000.

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greatness. Was Chavez such a man?

A favorable image has been shaped for him by Hollywood and a fawning media, but examining his actions in any detail reveals a dark side. There certainly is no consensus among California farm workers that he deserves a state holiday as a great man. Many farm workers join growers in strongly disputing the Chavez image of great accomplishments, including UFW's core contention that he improved conditions for farm workers. Perhaps a better idea would have been a holiday in honor of California's Hispanic heritage.

CURIOUS LOBBYING

To begin with, it's hard to see Chavez as any sort of legitimate spokesman for California's farm workers when, in fact, it is difficult to find farm workers who have anything good to say about him or the UFW. Indeed, the only lobbying on this bill I'm aware of by actual farm workers was a petition — signed by 400 Latino farm laborers — urging a "no" vote. Leaders of non-UFW farm worker associations I talked with hotly dispute the notion of Chavez or the UFW as representing their views. They also challenge much of the Chavez legend.

These impressions are confirmed by California Agricultural Labor Relations Board (ALRB) documents showing UFW has never represented a majority of farm workers in California. Even at its peak in the 1970s, most observers believe UFW represented around 5 percent of the state's farm work force. A study of UFW's membership by Rob Roy of the Ventura County Agriculture Association concluded that UFW's present membership is less than one half of one percent of California's 900,000 farm workers. ALRB documents show an unprecedented 48 decertifications of the UFW since 1978 by farm workers voting to disassociate themselves from Chavez's union. That is why Chavez's much publicized marches and protests over the last two decades were always dominated by professional activists and liberal students from the cities, not farm workers.

It's hard to see Chavez as a legitimate spokesman for California's farm workers when, in fact, it is difficult to find farm workers who have anything good to say about him.

MASS EXODUS

Why the mass exodus from UFW? Simple. The organization has a long history of intimidation of farm laborers, violence toward undocumented workers, and a boycott strategy based upon a pesticide hoax that cost thousands of farm worker jobs.

"They [who run UFW] rely on college students and other unions to demonstrate and carry their message for them," said Gloria Campos of the Strawberry Workers and Farmers Alliance. "We the workers from the Strawberry fields tell our own story and reject their attack. The UFW is devious and deceitful .... The UFW lies and encourages others to lie. The UFW promotes boycotts which could eliminate our jobs."

The petition sent to me by 400 farm workers made the same point: "We are farm workers. We are of Mexican heritage. We are now Americans and Californians. We are taxpayers .... Cesar Chavez may have accomplished some good things for some people but he is no hero for us."

People seem to forget that Latino farm workers organized anti-Chavez

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rallies in the 1960s that attracted thousands. They protested UFW's strategy of boycotting grapes based on the claim the pesticides used were dangerous to farm workers' health and caused cancer in their children. Chavez rode this clever media ploy to national prominence, but it was nothing more than a hoax that cost many a farm worker his job.

Interestingly, as soon as the targeted grape grower signed a UFW contract, the health concerns mysteriously disappeared. The UFW knew it was a lie all along. Indeed, the California Environmental Protection Agency, after conducting extensive tests, "found most table grapes from the fields have no chemical residues. Residues on the rest were well within allowable ranges ...." University of California and U.S. Health and Human Services Department studies reached similar conclusions. And the UFW charge that the pesticides were causing cancer in children also turned out to be a hoax. A California Department of Health Services Environmental Epidemiology and Toxicology Branch study concluded that "the overall rate of childhood cancer for the time period 1980-1988 in the Four County Study area is not unusual compared to rates elsewhere in California or the United States .... [R]ates for children living in agricultural areas are not elevated."

THE REAL TARGET

But the boycotts caught the media's fancy and soon union activists nationwide were initiating pressure campaigns targeted at stores demanding they stop carrying grapes. The real target, of course, was growers who refused to sign contracts with the UFW. Many growers lost business and laid off workers. Some eventually caved in under the pressure.

Interestingly, as soon as the targeted grape grower signed a UFW contract, the health concerns mysteriously disappeared.

UFW'S DARK SIDE

But UFW tactics often went far beyond mere pressure. In 1997, 40 female UFW members filed suit against the union over its apparent practice of urging female members to use sex as a recruiting tool. A search of major newspaper archives from the 1960s and '70s for stories involving the UFW make it clear this union did not hesitate to use thuggery to achieve its ends. Even the declassified FBI files on Chavez — a few thousand pages — reveal numerous incidents of violence directed against both growers and farm workers reluctant to vote for a UFW contract. The FBI files and the press accounts describe beatings, overturned cars, Molotov cocktail attacks, field burnings, and other violence.

But by far the darkest side of the UFW was its treatment of undocumented Mexican workers the union feared might compete with it for farm jobs. In the mid-1980s, Chavez's brother, Manual, led an effort to attack illegal workers crossing the border in Arizona. *The Village Voice* reported that UFW thugs manned the border area, which UFW called "the Wet Line." Former Yuma County Sheriff Travis Yancey said "they'd catch any 'wet' coming through and beat the hell out of them." Former UFW staff member Gus Gutierrez said Manual's goons "just went apeshit .... They just went wild."

According to *The Village Voice*, "the UFW conducted a campaign of random terror against anyone hapless

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enough to fall into its net. Gutierrez later talked to officials on the Mexican side and heard tales to turn his stomach: rapes and castrations, broomsticks with nails shoved up people's anuses."

'MANUAL HAS MY BLESSING'

Some workers ended up missing, never to be found. When alarmed UFW organizer Lupe Sanchez led a delegation to inform Chavez of the violence, the UFW leader told them "Manual has my blessing." According to liberal mythology, Chavez and the UFW helped undocumented workers get their start. Actually, they not only beat them but even held rallies outside INS offices around the country demanding crackdowns on illegal aliens! And yet the liberals love Chavez. Go figure.

Actually, Chavez's sordid record should not surprise anyone who knows much about his early years. Chavez's guru was not Gandhi, but Saul Alinsky, whose book, *Rules for Radicals*, makes it clear that violence is among the tactics that can be used to achieve your purposes. Chavez worked for Alinsky from 1952 to 1962. In the 1970s Chavez became a follower of a group called Synanon, long thought by observers to be a cult that had on occasion used violence and intimidation to silence its enemies. *The Village Voice* relates that Chavez publicly supported Synanon's leader, Charles Dederich, when Dederich was convicted of conspiracy to murder an attorney by having a rattlesnake stuffed in his mailbox. When Chavez started to introduce some of Synanon's mind control techniques to the high command of UFW, scores of its brightest staff members resigned in protest.

Should Chavez be honored with a

Chavez's guru was not Gandhi, but Saul Alinsky, whose book, *Rules for Radicals,* makes it clear that violence is among the tactics that can be used to achieve your purposes.

holiday? Perhaps it has been forgotten that Chavez masterminded the bilking of hundreds of thousands in federal and state tax dollars. He would apply for grants using warm, fuzzy language about helping workers, and then use the funds instead for other purposes. It became so blatant that a General Accounting Office audit in 1980 found massive UFW violations of federal guidelines.

The question is: why would the Legislature honor a man with a history of cult involvement, misuse of government funds, and violence toward migrant workers and growers? Simple. It's political. The UFW was among the Democrats' biggest campaign contributors throughout the 1970s. Many of California's leading Latino politicians got their start in politics with UFW assistance.

SHOULD UFW TEACH OUR KIDS?

Gratitude is fine, but in this case it is no reason to honor Chavez with a state holiday. The second half of this terrible bill requires that the "curricula of every school ... include instruction on Cesar Chavez and the history of the farm labor movement in the United States ...." Such a curriculum has already been produced by the UFW for use in our schools and it is replete with fabrications, distortions, and outright lies about pesticides, the farm industry, the condition of farm workers, the UFW, and the life of Cesar Chavez. Our children already suffer enough misinformation in our schools as it is. Now they will be taught to hate farmers. I wonder if our recently passed "hate crimes" legislation could be applied to the UFW?

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Robbing Peter To Pay . . .

The class action system may have been invented to serve victims. But in most cases, *we* are the victims — of our own lawyers.

. . . Themselves

by Anthony Bell

TODAY'S CLASS action system is a far cry from what early class action pioneers envisioned. While the goal was originally to serve victims by streamlining the civil justice system, the evidence is clear that in most class actions, Americans are actually being victimized by their own lawyers.

Once considered a key to the courthouse door, the class action system has been perverted into the class action lawyers' key to the legal lottery. The rules of engagement are fairly simple: find or invent some form of liability, file a class action on behalf of consumers, agree to a settlement, collect your winnings, and, if there's anything left for the consumers in whose name the suit was filed, split it up among them all.

Unpopular industries have become the favorite targets. Claiming to represent consumers, class action lawyers have filed massive lawsuits against lead paint makers, tobacco companies, and gun manufacturers, among others. HMOs are the latest to be added to the list. But when the impacts of these lawsuits are considered, it's the lawyers who are winning with class actions. They're the ones who walk away with legal fees in the millions or billions of dollars, while consumers "win" coupons, pocket change, or absolutely nothing. Worse, in the aftermath of a class action, consumers are the ones who bear a higher cost of living as the cost of litigation is passed on to them. Some examples illustrate just how bad the problem has become:

- In the settlement of a class action against a Boston bank, the bank deposited up to $8.76 in each class member's account, but to pay $8.5 million in lawyer's fees, the bank then withdrew up to $90 or more from

Anthony Bell, executive director of Citizens Against Lawsuit Abuse (CALA) in Los Angeles, has appeared as an expert on civil justice reform on Court TV and Fox News. His commentary has been covered in Time *and* The Wall Street Journal. *CALA is a nonprofit, bipartisan, grassroots public education organization dedicating to informing consumers about the human and financial costs of lawsuit abuse.*

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each plaintiff's account. The settlement actually cost the plaintiffs money.[1]

• In a class action suit against Cheerios ™ cereal over a food additive with no evidence of injury to any consumers, lawyers were paid nearly $2 million in fees, which works out to approximately $2,000 per hour. Consumers in the class received coupons for a free box of cereal.[2]

• In a class action lawsuit brought against manufacturers of computer monitors, the resulting settlement gave each class member a $13 rebate on new merchandise or $6 cash in the year 2000. The attorneys received almost $6 million in legal fees.[3]

THE LAWYERS' self-serving motives are most apparent in the spate of class actions against HMOs. Lured by the tremendous profit potential, these lawyers are championing themselves as the heroes of HMO reform and have filed dozens of class actions based on some questionable legal theories. But the reality is class action lawsuits against HMOs won't help patients. These suits won't make health care more available or affordable. More likely, they'll make America's current health care problems even worse. In a recent story in the *New England Journal of Medicine,* David Studdert and Troyen Brennan wrote, "whatever its net effect, a crisis in the litigation of cases in managed care will be ugly and costly. Two outcomes are certain: millions of dollars will go toward attorney's fees, and these costs will need to be paid, at least in part, out of health insurance premiums."

America is already facing a crisis in the availability of affordable health care and health coverage. One thing that is certain about litigation is that it drives up costs as the organizations being sued raise prices to cover the costs of litigating and paying settlements. Higher costs for health care mean more uninsured. According to a study published in the *Journal of Health Economics,* a three to four percent *decrease* in the number of people who are able to purchase coverage accompanies every 10 percent increase in the cost of health insurance. More uninsured means more sickness in poorer communities, more emergency room visits and greater taxpayer burden to provide care. Meanwhile the lawyers have made their millions and the nation is no closer to an answer on health care reform.

Two other disturbing elements of these lawsuits. First, consumers typically aren't even informed they're a member of a class until it's all over. With all the recent concern over personal privacy, it's a wonder this misuse of personal information hasn't raised more hackles. Second, on whose authority do these lawyers set forth to dictate social policy and industry regulation? A popular document known as the Constitution states that *the Legislature* makes the laws, not the courts. The legislative process may be slow and frustrating, but that doesn't give lawyers license to throw the Constitution out the window and hide behind consumer angst simply to earn a profit.

There aren't many fans of HMOs, and few would argue against the need for comprehensive HMO reform. But sitting quietly by and letting class action lawyers abuse the legal system in our name is hardly an answer. It's more like sabotage. If we're truly going to fix our health care system, the solution lies with our elected leaders and with experts capable of designing a system that works for patients.

Fixing the class action system, however, is a bit more straightforward: remove the incentives for abuse. Such "radical" reform will require bold proposals, such as requiring class action lawyers to obtain permission before adding someone to a class of plaintiffs, and tying lawyers' fees to the number of plaintiffs who actually claim their share of any award.

Such ideas aren't likely to be popular with the class action lawyers — unless they remember that they're supposed to be the ones looking out for consumers. If they do, maybe they'll also see that it's time they put consumer interests ahead of their own.

1. *New York Times,* "Math of a Class Action: Winning $2.19 costs $91.33," November 21, 1995.

2. *Business Today,* "Civil Justice and the Great Train Robbery," Fall 1997.

3. *Washington Post,* "Class Actions' Big Winners: The Lawyers; Huge Fees Contrasted With Plaintiff Benefits," May 25, 1997.

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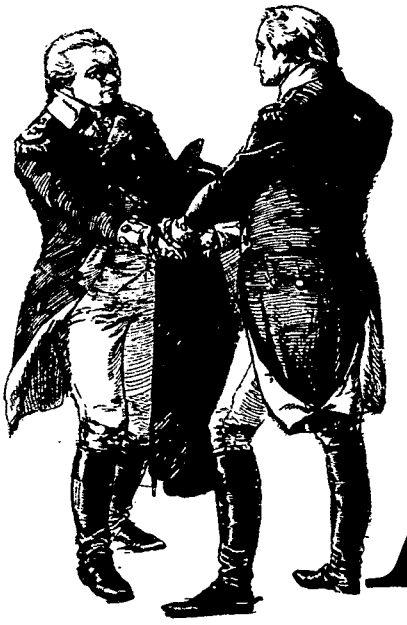

Allies of Necessity

Right meets left, abortion foes meet abortion supporters, strict constructionists meet legal activists — not head to head in court, but in a common effort to defend religious freedom.

An unusual, some might say bizarre, coalition is emerging whose roots lie in a loosely-organized group of religious and civil rights organizations that began coming together when the U.S. Supreme Court ruled the federal Religious Freedom Restoration Act (RFRA) unconstitutional in 1997. For some coalition members, the alarm sounded even earlier: in 1990,

BY DANA CODY

Life Legal Defense Foundation Executive Director Dana Cody's opinions expressed here are her own, not those of the California Interfaith Association for the Free Exercise of Religion or the California Interfaith Coalition for the Free Exercise of Religion.

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when the nation's highest Court struck a blow to the free exercise of religion in *Employment Division v. Smith.* In *Smith,* the Court held that laws that are "neutral" — do not single out particular religions or religious practices for regulation — and intended to apply broadly to serve a general public purpose do not warrant the Free Exercise protection of the First Amendment. The *Smith* doctrine seems to set precedent that could allow, say, the outlawing of wine at communion if a legislature banned alcoholic beverages, or substances that are addictive to some people. Impossible? Tell that to cigarette smokers and manufacturers.

But this coalition did not begin forming until the overturning of RFRA. Initially, participants met to explore the possibility of launching a California state-level version of the federal act the Court had overturned. This gathering was a world-class celebration of diversity. It included The American Civil Liberties Union, the Committee on Moral Concerns, the American Jewish Congress, Capitol Resource Institute, Friends Committee on Legislation, Agudath Israel, the California Catholic Conference, the Pacific Union Conference of Seventh Day Adventists, and many more groups, all intent on protecting the right to exercise religion freely in California. The coalition masterminded the introduction of the Religious Freedom Protection Act (RFPA) by Assemblyman Joe Baca in 1997. The bill passed the Legislature in 1998, but was vetoed by Governor Pete Wilson.

Despite this setback, the coalition kept meeting. Members wanted to preserve the newfound coalition relationships. Two new organizations emerged late last year from these ongoing meetings: The California Interfaith *Association* for the Free Exercise of Religion and the California Interfaith *Coalition* for the Free Exercise of Religion. The Association is a non-profit educational organization created to inform California local governments about religious liberty issues. It also plans to train clergy to work with government officials when regulations arise that create conflict between church and state. The *Coalition* will continue the work of the original (RFPA) group, monitoring and, possibly, sponsoring legislation, and participating in selected California cases involving church/state conflicts over religious practices and civil liberties that could not be settled without litigation.

How is it possible for so many people holding such sharply differing views to work together? How can they avoid compromising essential matters of conscience and belief? Actually, it is not as difficult as one might suppose. Both organizations adopted a theme of "cooperation without compromise." Simply put, this means we work together when and where we agree, and part company when and where we do not. As a board member of The Committee on Moral Concerns (COMC), I am as committed as any member of these interfaith organizations to avoiding compromise of my beliefs and principles. But we have found that concentrating on protecting free religious exercise leads to action we can all agree upon. We have, typically, found common ground in land use and zoning issues and in working to accommodate the religious needs of persons incarcerated in governmental institutions. But any Association or Coalition member can decline participation in a particular project for reasons of conscience and remain part of the organizations, continuing to work in projects where no such issue arises.

Some might argue that being part of such a joint effort inherently involves compromise. In my view, the Association's and Coalition's organizational structure enables us to make every effort to live at peace as we protect religious liberty in California, and making every effort of that kind is what Scripture commands us to do. The usual divisiveness of politics is put aside while we labor together to protect religious liberty. If we succeed, all faith communities in California will be treated equally under the law. All will be assured their constitutional rights to exercise their religion freely are not in jeopardy.

A Japanese student where I attended law school once asked me a question about religion and government after a particularly heated debate on the subject in a constitutional law class. "Don't Americans understand that religion, not government, is what made this country great?" the student asked. The discussion had been rife with religious intolerance, and my only answer at the time was: "Apparently not." But now, years later, the answer is changing. It is heartening to be part of these interfaith organizations that recognize the essential importance of religion and of religious freedom, organizations that will play key roles in reducing governmental intolerance of religion.

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Bush's Defense/ Foreign Policy Team Rates an A+

. . . . which is just what we'll need to clean up the mess the Clinton years created.

Bush's team, even the Post acknowledges, is known for its 'intellectual range and bureaucratic dexterity.' Expect a swift, dramatic change from eight years of Clinton mismanagement.

I WROTE, BEFORE THE ELECTION, HOW MUCH *REAL* military folks — not the Joint Chiefs' Syncophants-in-Uniform — despise Bill Clinton and the rest of the Clintonistas ("Something is Amiss," *CPR,* Sept./Oct. 2000). Their loathing is merely a normal, natural response to the hatred the president and his gang have showered on the

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military from Clinton's first week in office, which featured executive orders blessing gays-in-the-military and one of Hillary's feminazi staffers informing the highly-decorated General Barry McCaffrey, "we don't talk to uniforms."

Now, with the end of the Clinton-Gore era, suddenly administration types and Bill's Joint Chiefs figureheads have begun talking like men injected with truth serum. JCS head General Henry Shelton *now* complains about a "strategy-force mismatch" (funding shortfalls). The service chiefs have found, to their professed astonishment after years of saying everything was fine, that they actually need an additional $48 to $58 billion *per year* for procurement and other needs. Replacing the current inventory of fighter aircraft, of which many entered service 25 years ago (the last time Donald Rumsfeld was Secretary of Defense), will cost at least $340 billion — more than the entire annual defense budget.

Suddenly Bill's Joint Chiefs figureheads have begun talking like men injected with truth serum.

OUR WAY OR THE HIGHWAY

Recruiting is still a real problem," says Pentagon's force-management policy chief Alphonso Maldon. Officers are leaving the military at a record pace, as are skilled enlisted men and women. Part of the reason is that, under Bill Clinton, the military's attitude towards its people, said Air Force Staff Sgt. Cheryl Perry, has been: "it's either our way or the highway." Sgt. Perry is leaving the military to go to medical school. "Some of us chose the highway."

The truth is also beginning to shine on Clinton's foreign policy. In a January 3 article headlined "Clinton's Foreign Policy Proved Toothless," even the *Los Angeles Times,* long a Clinton cheerleader, declared that policy's central principle (that "promotion of free trade and globalized markets would, over the long run, promote democracy and human rights") a failure: "China, for example, is as intolerant of open political dissent as it was eight years ago." Not to mention that Communist Party thugs still rule in Beijing while Chinese Army generals threaten to nuke Los Angeles and write that within five years they will attack Taiwan.

Russia is moving tactical nuclear weapons into a military base in Eastern Europe for the first time since the Cold War in an apparent effort to increase military pressure on NATO. The arms were deployed last June to the Russian enclave of Kalingrad, a Baltic Sea port located between Poland and Lithuania that is the headquarters of the Russian Baltic Fleet. U.S. officials say Moscow was following through on its threats to respond to NATO's expansion with the forward deployment of nuclear weapons. The Russian navy will send warships into the Atlantic and Indian Oceans and the Mediterranean for the first time since the 1991 Soviet collapse. Russia and Iran, thumbing their noses at Clinton's request to Moscow to stop shipping nuclear technology and other goodies to the Tehran's megalomaniac mullahs, have signed a new military and security partnership. As for Russia's top man, Vladimir Putin, he is busying himself trying to abolish NATO in favor of some vaguely-defined new European Defense Force. Once a KGB man, always a KGB man, to paraphrase our Marines.

Meanwhile, among Third World barbarians, Cuba and China signed an agreement to "strengthen cooperation between their armed forces," according to Cuban state media. For all of Clinton's globe-spanning photo-ops, now almost twice as many countries - 68, up from 65 last year — suffer from civil unrest, drug wars, and other skirmishes than did so when Clinton took office. While the assertion by John Hulsman, the conservative analyst tapped as a Bush adviser, that once Bush takes office, "after four years there will be no American ground troops in the Balkans" prompts anguished shrieks by Clintonites like current Secretary of State Madeline Half-Bright, one of her own Balkan "experts" confesses, "Our objective in Kosovo? I don't know what it is." And there is growing evidence that Islamic militants like Osama bin Laden are no longer simply dedicated to fighting "infidels" (everyone except Muslims) in Muslim lands, but are perhaps out to conquer the world in the name of Allah.

Facing the mess Clinton is leaving us, Bush has a team even the *Washington Post* says is "known for their

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intellectual range and bureaucratic dexterity" that will be "expected to pursue his conservative agenda with gusto and discipline." Soon-to-be Secretaries of State and Defense Colin Powell and Donald Rumsfeld are praised by consummate Washington insider William Safire as "nobody's pushovers." Creating a third leg of a stable stool will be Dick Cheney.

THE TEAM'S REAL STAR

While some call Rumsfeld, Powell, and Cheney reactionary "cold warriors," let us remember that we never had a real war with the Soviets and that Powell and Cheney were present when the Evil Empire fell.

At first blush, Colin Powell seemed the star-in-waiting, but now I predict Rumsfeld will be the Bush team's real star. Early handicapping for Secretary of Defense favored former Senator Dan Coats, a stalwart conservative, well versed in military matters. But Coats' eagerness to roll back the "social experimentation" in the military (homosexuals, lowering performance standards so women can be certified as combat-capable, and so on) was his undoing. Bush is clearly wary of anyone who comes with an agenda other than his own and isn't looking for confirmation fights with the Democrats for their own sake. While Don Rumsfeld says he has "other priorities," make no mistake: Rumsfeld knows the importance to an effective military of maintaining a military culture. And he is well aware of the hash liberals have tried to make of that culture since 1992. Rumsfeld is a master at managing the Pentagon's and the Hill's bureaucratic processes and will be able to find plenty of ways to repair the damage — without the liberals, tuned out to the military as they are, even finding out.

A Rumsfeld-headed 1998 blue-ribbon commission demolished Clinton's claim that "rogue nations" (or, as Secretary Half-Bright calls them, "states of concern") would not obtain long-range missiles until 2015. Rumsfeld's nine-member commission was unanimous in recommending continuing and expanding research into missile defense programs, even though four of them were on record as opposing deployment. One of those members, Richard Garwin, a notorious left-wing critic of missile defense, says Rumsfeld is "a man of great energy, fairness, and effectiveness." While maintaining that the missile defense system Rumsfeld favors would be ineffective, and that therefore the new defense secretary should analyze alternatives, Garwin still says Rumsfeld has "the stuff" to do his job effecively. Having butted heads with Garwin myself over missile defense during the 1980s, I can attest that Rumsfeld's having won Garwin's praise proves Bush's man at defense possesses the leadership skills required to succeed at this difficult job.

At the top of Bush's and Rumsfeld's to-do list will be moving aggressively to deploy missile defense. This horrifies the left.

Nonetheless, Rumsfeld is more than tough enough for the job. Rumsfeld likes to quote fellow Chicagoan Al Capone: "You get a lot more with a kind word and a gun than you do with a kind word alone."

At the top of Bush's and Rumsfeld's to-do list will be moving aggressively to deploy missile defenses and transforming the military by "skipping a generation" of other weapons such as the Pentagon's $200 billion Joint Strike Fighter.

Bush, say several Republican lawmakers, will conduct a quick internal review of the Pentagon's national missile defense program and then unveil a plan to overhaul the current land-based approach to include sea and space components. This horrifies the left, because the Clinton Administration's current plan for a purely land-based system, solely on US soil, is difficult to make work and thus is an easy strawman for missile defense critics. That's why Clinton picked it.

Besides leading the effort to deploy a national missile defense system, Rumsfeld will also expand US efforts to take control of outer space by developing technologies to attack and defend satellites, as well as projecting US power anywhere in the world within a few hours. Rumsfeld is said to be strongly interested in advanced weapon systems under study such as hypersonic aircraft traveling at Mach 7-12 or even faster and "global reach" aircraft and spaceplanes.

After January 20, conservatives should be able to sleep at night knowing that, after eight long years, our national security is finally being tended to. CFR

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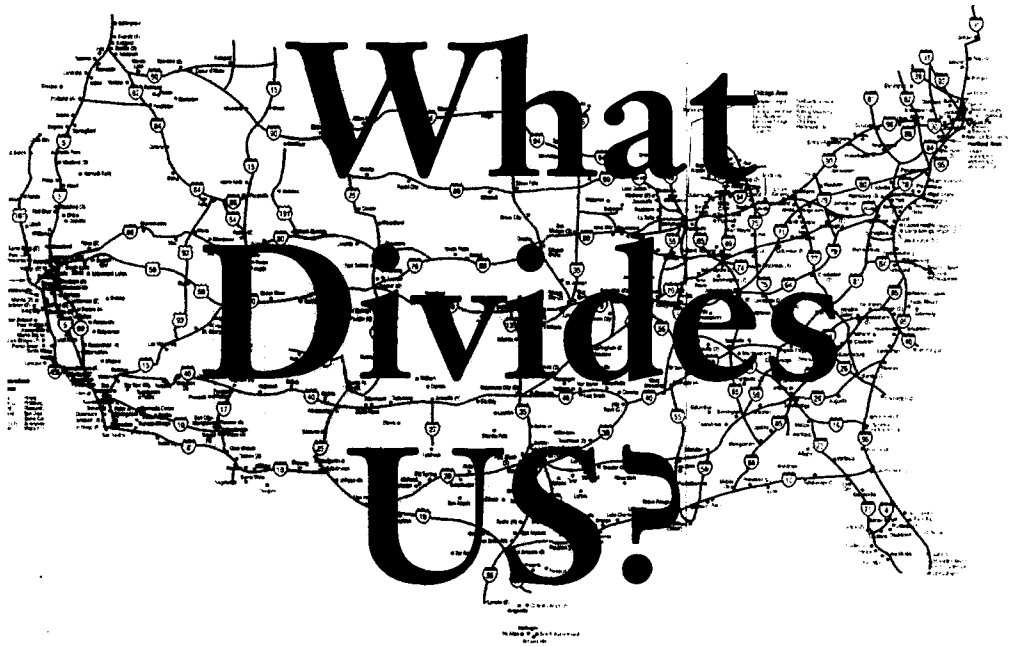

What Divides US?

Bush's mandate is clear to see, and so is the source of American division.

John Kurzweil

The media is full of talk of the division of the country, most of it, as usual, superficial and dishonest — that is, designed not, as advertised, to enlighten, but to achieve political ends by confusing people. For instance, every day's Washington news reports mention " ...a House and Senate more narrowly divided than at any time in decades" following Bush's razor-thin election victory. The political purpose is to weaken the resolve of already weak-kneed Republican leaders by scaring them into believing their program lacks popular support and legitimacy and into forgetting the interests of their millions of constituents by also forgetting their mandate to govern as a *republican* party — supporting freedom and free institutions. They are supposed to look upon the election as some sort of "tie" that robbed them of any basis on which to fight for tax cuts, social security reform, or any other significant diversion from the left's continuing efforts to diminish individual freedom. The ultimate objective is to trick George W. into repeating, by faltering on his campaign promises, his father's catastrophic breach of faith with the voters, which really *did* destroy Bush Sr.'s mandate and led to his 1992 defeat.

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Some points to remember: during 32 of the 50 years between 1953 and 2002, our national government will have been *more* divided than now, with *neither* Party controlling the presidency and both congressional houses: that is 64 percent of the time. Republicans held the White House for 30 of those 50 years, while *also* holding the House and Senate for only four of them, 1953-54 and 2001-02. If degrees of "divided government" are to be the measure of Republicans' mandate, then George W. Bush, for at least the next two years, has a stronger mandate than did Nixon, Ford, Reagan, Bush Sr., and, for most of his term, Eisenhower. As a technical matter, "W" enjoys a level of power as leader of a political Party with a political, governing program stronger than any Republican president in half a century. Throw in the sometimes tenuous, but still quite real (as Gore's ultimate defeat showed), conservative majority on the Supreme Court, and Bush's position as leader of a political movement directly opposing Clintonian leftism is more secure than that of any Republican since before World War II.

Beyond the bald facts that Republicans won the presidency, the House, and the Senate, it is also significant that Gore's minuscule popular vote victory was achieved during the final three days of the campaign. According to national poll-

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ster Rasmussen Research, voters who decided how they would vote at the last minute, went three-to-one for Gore. That is, Bush was kept from winning handily by voters sporting the most will-o-the-wisp attitude about the election, whose votes least likely represent any deeply-held convictions and most likely reflect superficial, momentary considerations. In other words, most serious voters, those whose ballots underlay any serious mandate, went for Bush.

Another point: of the past half-century's Republican presidents, the clearest mandates in terms of their campaign promises belonged to Reagan, Bush Sr., and W. As Russell Kirk remarked when the John Birch Society called Eisenhower a communist, "Eisenhower isn't a communist; he's a golfer" — a man so non-

Bush's position as leader of a political movement directly opposing Clintonian leftism is more secure than that of any Republican since before World War II.

ideological that the nomination of *either* Party was his for the asking. Neither Eisenhower nor his vice-president, Richard Nixon, campaigned with a Goldwater- or Reagan-like fervor for reversing liberalism and re-establishing America's conservative roots. Gerald Ford, of course, was never elected at all. Reagan's mandate to reform national policy at home and abroad derived from, among many sources, everyone knowing that those reforms were the main reason he'd entered politics. Bush Sr., thanks to Lee Atwater, powerfully assisted by Peggy Noonan's "Read-My-Lips" nomination acceptance speech, indelibly marked himself as *the* continuation of Reagan's ideas, policies, and devotion to championing ordinary Americans against the Beltway elites. It was a false image, but the voters bought it through election day, which was why the sell-out, when it came, was so devastating.

Finally, "Dubya" defeated a much more experienced man, in the midst of economic prosperity, mainly on the strength of voters' desire to end Clinton sleaze and to regain respect for the presidency. He also won because he represented a sharp break in policy. Bush grabbed the political "third rail" — social security reform — promising fundamental change for as sacred a cow as American politics knows, and he won. He was unashamedly prolife and pro-Second Amendment, and he won. He scored his greatest gains against Gore during the debates by portraying his opponent as the agent of Big Government and himself as the man to lower taxes and restore trust in the people to handle their own affairs. And he raised, and promised to address aggressively, the issue of our military decline. Evidently wiser than his father, he now seems determined, judging by his Cabinet appointments and his reaffirmed campaign for a significant marginal-rate tax cut, to keep his promises. He knows, as should we, not only that he *has* a clear, compelling mandate, but that convincing the voters he will fight hard for it is the key to the success of his presidency. It is ordinary people *versus* the Beltway/media elite — and Bush's mandate is with the people.

All of which is not to deny that deep divisions afflict America. But the question is: What divides us? A lot of people would answer with one word: religion — meaning, usually, the West's Judeo-Christian cultural heritage or, more specifically, Christianity, particularly its supposed intolerance of non-Christians, especially Jews, but also a general atmosphere of intolerance they consider characteristic of all God-oriented religions, including Islam. Allan Bloom sketched the moral and intellectual underpinnings of this view of religion in his 1987 book *The Closing of the American Mind.* Speaking of the many generations of students he encountered during his long teaching career, Bloom wrote that "the danger they have been taught to fear ... is not error but intolerance. Relativism is necessary to openness; and this is the virtue, the only virtue, which all primary education for more than fifty years has dedicated itself to inculcating .... The study of history and of culture teaches that all the world was mad in the past; men always thought they were right, and that led to

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wars, persecutions, slavery, xenophobia, racism, and chauvinism. The point is not to correct the mistakes and really be right; rather it is not to think you are right at all."

There is, self-evidently, an immediate problem in considering a position whose central thesis it is that we should never think we are "right" at all if we are trying to find the "right" answer to any question, including the one I am considering here: what divides us? Nonetheless, the attitude or idea Bloom described, especially as applied to religion, is emphatically urged upon us to explain our disunity by countless academics, liberal politicians, journalists, film-makers, and perhaps most forcefully by courts in ten thousand judicial decisions. The evidence, however, does not support them.

First, as to the Christian intolerance of Jews supposedly inherent in any public affirmation of Christian faith from public school prayer to crosses or Christmas scenes on public land and so forth, the charge is unfair. If I say I believe the world is round, I am not threatening anyone who believes it flat. And public institutions, especially schools, simply could not function if they tried the impossible task of eliminating consideration of every question about which people disagree. Singling out religion for banishment on these grounds is hypocritical and unjust. It is inconsistent with the universally supported practice of publicly considering all sorts of opinions and beliefs.

Second, this interpretation of Christianity is contradicted by prominent Jewish intellectuals and religious leaders: Irving Kristol and Dennis Prager, for two examples. Rabbi Daniel Lapin, president of the national educational organization Toward Tradition, in his book *America's Real War*, explained why he defends Christianity although it is not his religion. One reason, he says, is that "I desperately want my children, and one day (God willing) my grandchildren and their descendants, to have the option of living peacefully and productively in the United States of America. I am certain this depends upon America regaining its Christian-oriented moral compass." His book offers many reasons for this conclusion. One I find particularly appropriate to this discussion is his affirmation that we would all benefit from finding a "unifying principle to explain all the nuances in the extended order of human cooperation sometimes known as politics .... The Judeo-Christian tradition argues that such a unifying principle does exist. It is God, and it is precisely His quality of 'oneness' that unifies and defines monotheism. A religious sensibility, or a capacity to know and feel close to God, satisfies precisely because it projects a comprehensive, consistent guide."

Third, American institutions and political and social history also contradict the idea, as Lapin paraphrases it, that "Judeo-Christian tradition represents primitive tribalism and intolerance ...." On the contrary, the core of our Western tradition, which guided the Founders in establishing the most free political system the world has ever known, is the belief that the central concern of our lives is God and our relationship to Him. In terms of politics, this first premise banishes the materialist's fascination with masses — masses of wealth, of power, of men. Instead, it directs our attention to the individual, specifically to ourselves, to the state of our own souls, good or bad as they are. Writing of his own plan for life, the Danish philosopher Soren Kierkegaard ably laid out this essential aspect of the Western idea: "We shall not be so arrogant," he wrote, "as to do anything on a grand scale. Rather let us speak of a single individual human life and of the way it can be lived out here on earth. If one can see God in history, one can see him also in the life of the individual; to suppose otherwise is to delude oneself by yielding to the brutish imbecility which sees God only in the observations of nature, being taught, say, that Sirius is 180 billion miles away from the earth. The materialist man is astounded by such large data. If every single man is not an individual, simply by being human, then everything is lost and it is not worth hearing about great world-shaking historical events."

Thus the West's Judeo-Christian tradition identifies and preserves the *human* quality in our lives against the ravages of materialist atomization, but at a price: *we* — not our "environment," our income level, our social standing, "racism," "sexism," "homophobia," or any other external force or influence — are responsible for ourselves and what we are. As Christ said, what comes out of a man makes him what he is. "The tormented minds of today are not the effects of our tormented world"; wrote Bishop Fulton

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Sheen making the same point in 1949, "it is our upset minds that have upset the world. There is no such thing as the problem of the atomic bomb; there is, rather, the problem of the man who makes and uses it. Only men and nations whose personalities were already atomized could join forces with external nature to use an atomic bomb in an attack on human existence. Man, by attempting to exist either apart from God or defiant of God, has made the world as delirious as his own mind is neurotic .... It is man who has to be remade *first;*" Sheen concluded, "then society will be remade by the restored new man."

The Jewish and Christian sources of this idea are known almost universally: the Ten Commandments, the Eight Beatitudes, the Golden Rule, and Christ's admonition that we attend to the beam in our own eye before complaining about the speck in our neighbor's. And many reflections of this principle are also unmistakably present, although not so well-known, in the founding structure of our American polity. We limit our government, knowing that those in power are not gods, but humans who face the same terrible task of escaping evil within themselves that we all face. We also, absolutely against the dictates of governing expediency, emphasize and place under strict protection in the Bill of Rights every individual's freedom of religion, speech, and association, knowing that in these lie the essence of our lives, our relationship with God, our neighbor, and the truth.

The more we observe the secular mind at work, the more it demonstrates exactly the obscurantist closedness it so often decries everywhere else.

The Bill of Rights, reflecting the commandment: Thou shalt not steal, sets up prodigious protections for private property. Our culture, again deriving from Judeo-Christianity, places the family at the center of our social structure. And our whole vast edifice of Law is the political manifestation of the rule of honesty, central to those who fear God. Why do we endure the elaborate procedures of trial by jury except that the Eighth Commandment is so deeply embedded in our culture and law that it dictates we devote ourselves *before all else* to the question of the individual's culpability, again ignoring political expediency? Our law is built on the proposition that honesty — the truth — with regard to the individual and to his freely taken actions is the key.

At a time when Americans were more unified than now by these traditions, Theodore Roosevelt acknowledged what ought to be obvious: "The teachings of the Bible," he said, "are so interwoven and entwined with our whole civic and social life that it would be literally — I do not mean figuratively, I mean literally — impossible for us to figure to ourselves what life would be if these teachings were removed. We would lose almost all the standards by which we now judge both public and private morals; all the standards toward which we, with more or less resolution, strive to raise ourselves." Today, Clinton and Gore have shown us what Roosevelt found impossible to imagine.

Fourth, and finally, the idea of religion as obscurantist and primitive is contradicted by the lives of brilliant, deeply religious men and women throughout history. St. Thomas Aquinas alone, considering his *Summa Theologica* and *Summa contra Gentiles*, is enough to show how laughable the notion is. Also in the 13th century, St. Albert the Great, Thomas's teacher, pioneered the experimental scientific method and the Western rediscovery of Aristotelian philosophy. In the seventeenth century, Blaise Pascal, best known for defending religious faith as man's best guide to reality, was also an outstanding mathematician, scientist, and inventor. Hundreds, perhaps thousands, more examples could be produced. Ayn Rand expressed the exasperation such examples cause in those committed to the idea of

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obscurantist religion. "You," Rand reportedly once told William F. Buckley, "are too intelligent to believe in Gott!" Who is in denial?

Neither do history's great villains fit the stereotype. Hitler told Albert Speer he thought it a shame the German people had been captured by a "womanish" religion — Christianity — and that a more warlike faith such as Islam would have suited his purposes better. Speaking of Islam, the Taliban, according to recent news reports, has just imposed the death penalty in Afghanistan for anyone who converts from Islam to another religion, a move it is easy to imagine Hitler approving, but one no genuinely Christian or Jewish leader, religious or otherwise, would ever emulate. Stalin was a communist, not a religious believer, who mocked the pope, and, as Irving Kristol pointed out, pagan Romans, not Christians, destroyed the temple.

What, then, has introduced deep divisions into this nation once much more firmly united in its allegiance to republican political institutions — institutions, as Teddy Roosevelt said, rooted in the Bible? Soon after he was chosen as Gore's running mate, Senator Joseph Lieberman was criticized by the *New York Times* for quoting George Washington's warning that our freedom depends absolutely upon maintaining our religious faith. The senator clearly goes too far, huffed the *Times*, when he implies that men without God cannot be good. Of course men without God, especially those propped up by a two thousand-year tradition and culture of faith in God — even if they don't understand much about it — *can* be good on occasion, or for a sustained period if no really powerful force pushes them toward evil. Some strong men can remain "good," as the *Times* might define it at least, even against terrible adversity. But the larger question is: can we sustain *our civilization* without God? Can we, specifically, remain unified without the force Washington, Lincoln, Roosevelt, Reagan, and countless other great Americans — even Joe Lieberman — identify as the glue holding us together? The evidence is not reassuring.

First, moral concern tends to exit with faith in God. In *Roe v. Wade*, for instance, the Supreme Court built its case for overthrowing every abortion law in the nation in large part on the notion that "morality" is no proper concern of the government, another notion Hitler can easily be imagined approving. Second, the more we observe the secular mind at work, the more clearly it demonstrates exactly the obscurantist closedness it so often decries everywhere else: Students must not even hear prayer in school or any other reference to religion. Now, even saying "Merry Christmas" is perceived as a threat. Having scoured public institutions to remove any openness to religion, these champions of tolerance now attack private organizations, booing the Boy Scouts for the sin of disagreeing with prevailing left orthodoxy. They author "politically correct" speech codes. The California Legislature attempts to *force* Catholic hospitals to perform abortions and to punish private schools for teaching that homosexuality is immoral. The Scouts have been banned from volunteering to help at the Salt Lake City Olympics and are spurned by corporate donors, not spontaneously, but in response to pressure from militantly "tolerant" left-wing activists. Journalist Jeff Jacoby's annual column on "liberal hate speech" is required reading for anyone searching for sources of division among us. Another reason Rabbi Lapin cited for defending Christianity is that "I am appalled by the great injustice being perpetrated by those Jewish organizations that engage in anti-Christian bigotry. Although many of them were founded explicitly to fight bigotry, and for many years did just that, today the shrill rhetoric and hate-filled propaganda found in their direct mail is discriminatory and divisive. The very same Jewish organizations would be the loudest protesters were anything even remotely similar being said by non-Jews about Jews." He quickly adds that he is talking about organizations "promoting policies that traditional Judaism finds abhorrent. I want to help both Jewish and non-Jewish Americans differentiate between Jewish positions and positions held by some Jews who are more devoted to secularism than Judaism."

The force creating division is precisely this secularist effort to divide all America from its religious heritage. It is based on two destructive lies: one, that religion causes division and, two, that unity and freedom can be achieved and maintained without God's help. Our entire history proves the first proposition a lie. And the left's dogged war against tolerance and, even more, liberal failure to mount any effective resistance to it (*i.e.*, Joe Lieberman) prove the second false as well.

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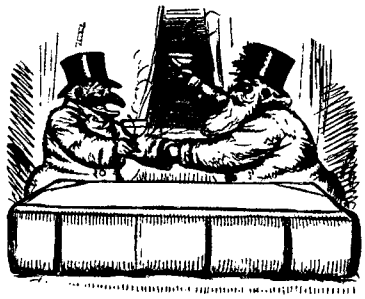

CRITICUS

Signs and Portents

BY G. B. TENNYSON

O ye hypocrites, ye can discern the face of the sky;
But can ye not discern the signs of the times?

— Matthew 16:3

MANKIND HAS been endeavoring to understand signs for as long as there is any record of human activities. Cicero wrote a work on divination in which he said: "It was ordained at the beginning of the world that certain signs should prefigure certain events." There were oracles throughout the ancient world, constantly being consulted by warriors, kings, and princes, and constantly baffling them with ambiguous utterances. So, too, the many sibyls in antiquity, including the famous Cumaean Sibyl in Greece who accompanied Aeneas into Hades and who sold the Sibylline Books to Rome where they were housed in the temple of Jupiter and consulted by the Roman Senate in times of emergency. There were, of course, prophets aplenty in the Bible as well as mentions of numerous forms of divination. One source I consulted listed, in addition to the obvious modes of interpreting the signs of natural phenomena such as storms and lightning, eight Biblical modes of divination, including hepatoscopy (reading the liver of sacrificed animals), oneiromancy (interpreting dreams), necromancy (communing with the dead), and rhabdomancy (using rods or wands).

Then there are modes of divination through the use of almost anything you can think of: alectryomancy (rooster pecking grain representing letters), axinomancy (agate on axe to point to a criminal), belomancy (shooting arrows with messages attached; the farthest one being the truth), botanomancy (leaves with messages or the sounds made when leaves are crushed), chiromancy (palmistry), crystallomancy (crystal ball or precious stones), empyromancy (objects placed on a fire), extispicy (entrails as in haruspicy; see below), geomancy (earth thrown on a flat surface), gyromancy (walking in a circle until dizzy), pyromancy (fire or flames and the shapes they project) and xylomancy (twigs, rods, pieces of wood), to name but a few.

One method you can try at home is bibliomancy, whereby, looking skyward, you open the Bible at random and let your finger point to a passage. However

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that passage reads is taken as a guide to your future. Criticus did it and hit the "Begats," which he took as a sign that a grandchild was on the way. One was. But, then, he already knew that. The ancients also let their fingers do the walking with certain favored texts, usually Virgil and Homer. The practice was called sortes. The Romans consulted soothsayers (sooth = truth), one of whom, you will remember, warned Caesar about the Ides of March. They also turned to the haruspex, a diviner who interpreted the will of the gods by examining the entrails of sacrificial animal victims. Two or more such persons were haruspices and their practice is haruspicy. We all remember the Three Kings who read the message of the heavens and were guided to Bethlehem. Astrology columns and books are the modern descendants. Still among us are Gypsy fortune tellers, palm readers, crystal ball gazers, Tarot card readers, ouija board players, and now even dial-up psychics who advertise on television.

There is one form of divination that thrives in the most advanced countries. It is called the Opinion Poll.

The more sophisticated among us would say that the ancient forms of divination are not to be taken seriously and that even the surviving vestiges cited here are fit only for teenage girls. Criticus acknowledges that one is unlikely ever to meet a haruspex in the shopping mall, though it is worth bearing in mind that in many countries to which your tax dollar is dispatched there are still such things as voodoo, juju, obeah, cargo cults, Rastafarianism, and that southeast Asian religion that venerates, among others, Victor Hugo. Moreover, there is one form of divination that thrives in the most advanced countries and that actually moved Criticus to this topic. It is called the Opinion Poll.

Yes, it was the recent election and especially the Florida Follies that put Criticus in mind of how we go about reading the signs of the times. By now every man, woman, and child knows about such things as the Voter News Service and exit polls and television projections and the unseemly rush to be first. The more cynical among us also know about Liberal Media Bias (and don't tell me they didn't know the polls hadn't closed in the Florida panhandle). In the days of alectryomancy they drew a circle and wrote the letters of the alphabet in succession inside the perimeter. On each letter they placed a single grain of wheat. A cock was placed in the center of the circle and observers noted which grains he ate. When trying to determine who would succeed the Emperor Valens, two Romans watched a cock eat the grains over the letters t-h-e-o-d, and thus "knew" that the successor would be Theod(orus). Is this believable? Were some grains subtly enhanced? Was the cock impartial? Did he stop eating after the five letters? Were there other cock-watchers to attest to the grains? History does not tell us, but evidently Theodorus did succeed, and alectryomancy in that instance was more accurate than modern polls.

It was in the spirit of grain pecking rather than opinion sampling that Criticus decided that he would try to discern the signs of the times. He was mindful of the example of the great Victorian essayist, critic, and historian Thomas Carlyle in his 1829 essay "Signs of the Times," the title for which Carlyle took from the passage in Matthew cited above. Carlyle used his observations of the signs to pronounce upon the entire age. It was, he wrote, the Mechanical Age, not an age of dynamism. This was no compliment, mechanism for Carlyle being dead, lifeless, lacking a spiritual dimension. Though Criticus is known to have given Carlyle a fairly extensive look-in, he deemed it the better part of valor not to try to aim as high as the man who for his wisdom and insight into the age became known as the Sage. Instead, my plan would be to note simply those signs that have come my way in recent months and to make comment on them as they pass. Many of them touch on topics that Criticus has dealt with in the past. If they all add up to something, so much the better.

SCATTERED GRAINS

Herewith a few items so self-evidently foolish or malign that they indict themselves. A high school in Clovis, California, appears to have decided, following a name-calling incident (which they were too fastidious to specify beyond saying it was a "racial slur"),

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that it is permissible intra-racially for students to address each other by a racial slur, but that it is hate speech if done inter-racially. Effectively this means separate vocabularies for the races. ONSIDERING THAT the racial composition of the school is rather varied, there will presumably be vocabulary lists for the following groups that make up the school population: black, white, Latino, Hmong, American Indian, Vietnamese, Laotian, and Cambodian .... Our watchdogs at the ACLU are suing to have a 66-year old metal cross honoring WWI veterans removed from a desert town near Baker because it is on National Park Service Land and thus violates the separation of church and state .... The ACLU has remained silent about the 600 crosses planted in the ground at UCLA on the Mexican Day of the Dead by a "student social justice organization" to commemorate those who died crossing the border illegally since 1994. Some crosses are more equal than others .... And when will the media recognize that *La Dia de Los Muertos* that they so lovingly report on is, after all, the Christian All Souls Day? .... For that matter, is the Postal Service run by the Democrat vote counters in Florida? Criticus knows of one California conservative voter who received a fund appeal letter from "Lazio 2000" dated inside as October 6, but postmarked from Long Island on 10 November. Criticus knows of another who received the Judicial Watch October newsletter on December 2. Onward to yet deeper issues.

The Seminole Indian chief announced that he and his people are not at all offended by Florida State University's Indian mascot.

MASCOTTERY

Yes, we've been here before, but lately the mascot business has been sending conflicting signals. There is the case of San Diego State. After much hand-wringing and soul-searching the school has decided to retain its mascot, Monty Montezuma, and its school nickname of Aztecs. A Native American campus group had complained that the depiction of Monty was demeaning. The emperor is impersonated by a muscular, sparingly clad male undergraduate sporting an extravagant Indian headdress and feathers who enters the stadium at a run, flinging a flaming spear onto the field and showing throughout the game a warlike demeanor as he exhorts fans to cheer for the team. The anti-Monty faction insisted that the real Montezuma was a rather melancholic figure who wore a kind of Roman tunic and cape. In between pro- and anti-Montyers, we find a sly student of history pointing out in the *Times* that the true offense was the romanticizing of the brutal and oppressive regime that was Aztec rule. He noted that the Conquistadors, not known for squeamishness, were horrified to see as many as 20,000 war captives sacrificed to Aztec gods at once and that "the cruelties of these elaborate and lengthy ceremonies are best left undescribed." The pro-Monty faction appears to have been almost the entire student body, the alumni, and the general public in San Diego. One suspects that in this instance money and power made a difference. The pro-Monty forces even set up their own web site. The final judgment was left to the school president Stephen Weber who made what he probably considers a Solomonic decision — keep Monty but change his attire and demeanor to reflect a more dignified image. This will in classic academic fashion be determined by a committee. The anti-Monty group is greatly disappointed, and Criticus wonders just how pleased the pro-Monty fans will be if the resulting Monty is made to look like "a thoughtful philosopher-king, deeply religious, always scanning the sky for omens," as he was described by a history professor at UC San Diego. Criticus thinks the historic Montezuma should have hired some haruspices to examine the entrails of all those sacrificial victims to find out how to resist the Spanish and how to avoid being stoned to death by his own people.

On the other coast, the Seminole Indian chief announced that he and his people are not at all offended by Florida State University's Indian mascot and the use of the tomahawk chop. "As long as the Seminoles keep winning, we're happy," he declared. So there are some good living Indians after all.

Still, there was East Coast folly as well. The Washington Redskins had to go to court to ask a federal

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judge to set aside a ruling from a panel at the U.S. Patent and Trademark Office that ordered the cancellation of federal registrations of Redskin trademarks including the team's logo. The reason was that the panel found the name Redskins "offensive."

THE WHOLE mascot issue is but another example of the total humorlessness of the left. A mascot (the term derives from a word for sorceress and witchcraft) is a person, character, or object thought to bring good luck. It has always carried with it the idea of affection and good will and increasingly in sporting contests a degree of spoofing and exaggeration. Taken seriously, the idea of someone garbed as a Trojan warrior riding a horse around a football field is ludicrous. Or naming that horse Traveller, which was the name of Marse Robert's horse. How did that steed, or for that matter Troy itself, get to LaLa Land? What about that jokester got-up as a huge chicken? Or people wearing hats made to look like blocks of cheese? Or ... well, anyone can add to this number with more authority than Criticus whose knowledge of athletics is shaky and often disapproving. At least for a while you can, but for how long? For some time I have hoped that a student of popular culture would do a complete book of mascots, collegiate and professional, why they were adopted, how they have evolved. (The Aztecs, for example, were once the Wampus Cats.) Now it is a matter of historical urgency, for in the brave new world being imposed upon us, mascots, if they exist at all, will be uniformly solemn, dignified, inoffensive, and a credit to their people. And absolutely no fun at all.

A mascot (the term derives from a word for sorceress) is a person, character, or object thought to bring good luck.

STATUARY HELL

Not to be outdone in silliness, the English have been confronted with a problem troubling the recently-elected mayor of London, Ken Livingstone, long known as "Red Ken" for his political views. He wants two of the statues that stand in Trafalgar Square to be removed and replaced by better-known figures. Nelson will remain on his column but the statues of General Napier and Maj. General Havelock standing on plinths at opposite corners of the square should be removed. The two were central to the British domination of India in the nineteenth century. Livingstone says nobody knows who they are, including himself. Livingstone's critics think it is really a case of political correctness and a desire to erase Britain's imperial past. Criticus thinks a bit of both. America is forever exporting its worst ideas to the civilized world. Imagine if this notion came the other way from across the pond. Washington, D.C., would be wiped clean. Down with Kosciusco and von Steuben in Lafayette Square, and Lafayette himself, that Dead White Aristocratic European Male. Statuary Hall and many corridors in the Capitol building would be purged of the huge lot of unknowns representing the several states, such as California's Thomas Starr King (who he? many will ask), and the mob of known but "oppressor" people, such as California's Junipero Serra, to say nothing of all the slaveholders memorialized there. For that matter, who but a few family members and friends know the names inscribed on the Viet Nam memorial? Down with them all. Start anew with a statue of Hilary Rodham Clinton.

OLYMPIAN HUBRIS

The retiring head of the International Olympic Committee pronounced the Sydney Olympics the "best ever." Perhaps they were. They were not much seen in the United States because of NBC's prime time greed, which happily backfired into paltry ratings. Certainly the auguries for the Athens Olympics are that they will be the worst ever. This is prophesied not by any Critical pyromantic staring into the fire but by many IOC personnel who have visited the empty fields and waste places of Athens where construction has not even begun on the necessary facilities. If Athens does come a cropper it may be a blessing, signalling the end of the Olympic movement, which has outlived its usefulness.

For the Olympics are no longer in any sense of the word *amateur* athletics, that is, done for the love of it and non-professional. Every event is a professional contest. Perhaps the only true amateur in the entire

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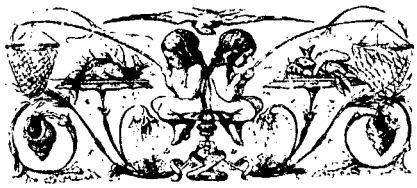
games was the bewildered African boy, who had been swimming for only six months but who won his heat because his competitors were disqualified. Seeing him labor his way down the pool like a house cat who fell in by mistake was positively endearing: you kept hoping he'd make it all the way to end and cheered when he, exhausted, did so. Virtually all other competitors were steely-eyed pros, practiced, proficient, cheerless, in not a few cases drug-enhanced for their sport, watched over by professional minders and trainers. To make matters worse, many of them, chiefly Americans, behaved abominably in victory, especially the sprinters who disported themselves disgustingly with the flag. And what of the large number of participants who came only for their own event (s) and then left for home? As one of them explained, "Well I have a career to get back to." That career was more training for future contests, and very likely lining up merchandise endorsements.



The most entertaining thing to come from the Sydney Olympics was the discovery of the real meaning of 'Waltzing Matilda.'

On the bright side, there were some excellent fireworks, and Sydney harbor is a spectacular setting. The Aussies were their light-hearted selves, something like Americans in the 'fifties but with a sense of humor. They may even, per-capita, have won the medals count. The official statistics that show the U.S. at the top of that listing could not, of course, indicate that, if you add up all the medals won by the countries of the former Soviet Union, then the Soviets came out on top. Is it possible that they are still running these force-feeding training programs in nations that are economic basket cases?

YET TO Criticus the most entertaining and instructive thing to come from the Olympics was the discovery of the real meaning of Australia's unofficial anthem, "Waltzing Matilda." Now, as every schoolboy knows, the official anthem of Australia is "Advance, Australia Fair," which was heard now and again but not so often as the much better known unofficial anthem, with which they closed the ceremonies in a rousing sing-a-long that rocked the stadium. Most non-Australians, I'll venture to say, are like me in knowing only the refrain and simply hum along with the rest which is full of uniquely Australian words like "swagman," "coolibah," "billy," "jumbuck," and "billabong." And most, like me, probably thought it was a song about inviting a girl name Matilda to waltz, however curious that seems for an anthem. But the song is more complicated than that, and Criticus has researched the matter.

"Waltzing Matilda" has a series of four verses telling a story of a swagman (a hobo or drifter of shady character) who in the shade of a coolibah (eucalyptus) tree boils his water in a billy (tin can) and snatches a jumbuck (sheep) on his rambles only to be confronted by local residents and the militia and ordered to hand the sheep over, whereupon he leaps into the billabong (isolated pond left by a retreating river) saying, "You'll never take me alive." You can hear his ghost saying the same and singing the refrain as you pass by the billabong. The slightly complicated part is that each verse is followed by the "Waltzing Matilda" refrain, but rendered so that the third line of the preceding verse becomes the third line of the refrain Here's the first verse and the refrain (everybody knows the tune, I think): "Once a jolly swagman camped by a billabong / Under the shade of a coolibah tree / And he sang as he watched and waited till his billy boiled / You'll come a-waltzing matilda with me.

Waltzing matilda, waltzing matilda,
You'll come a-waltzing matilda with me.
And he sang as he watched and waited till his billy boiled,
You'll come a-waltzing matilda with me.

Most illuminating of all is that the term "waltzing matilda" is not what it seems to be. It is even alleged that many Australians do not know its true meaning or origin. A swagman carried his goods and bed-roll in a swag, called a "matilda," and he went a-waltzing, that is, he hit the road. The origin is believed to be from the German *auf die Walz gehen* — to go wandering, with one's *Mathilde,* a girl's name applied to a bed-roll, if you take the meaning. So "waltzing matilda" means to take to the road with your swag and bed-roll on your back. It is not an invitation to the dance, or to nothing closer to one than perhaps a rollicking walk that a jolly swagman might strike while

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wandering in the outback. Which is why the term is rendered without capitals and without a comma. "You'll come a-waltzing matilda with me," means "we'll take to the road together."

Well, the Olympics may not have been good for much else, but think of what they have taught us of Australian history and human aspiration. Yes, both those things, for there are no more swagmen waltzing matilda today, just a nation that nostalgically remembers when there were and when life was an open road. Like every nation, Australia has a national memory and a national myth. Typically for a nation settled by criminals, outcasts, hard-drinking Celts, and irreverent Cockneys, the national memory enshrines a grifter.

* * *

Space and time have overtaken Criticus, meaning that he has had to leave out many other interesting oddments that have come his way. He'll put them in a swag and go a-waltzing matilda with them in a future number. But he'll draw a few conclusions from such signs of the times as noted above.

The present day is, as Carlyle said all days are, the confluence of two eternities: "it is made up of currents that issue from the remotest Past, and flow onward to the remotest Future." But at this present confluence there is strife between those who want to hold onto the best of the past and those who want to trash the past in favor of an imagined perfect future. Using the instances cited above as representative of the divide, should we emasculate the mascots, cast off old heroes, professionalize all sports — or should we preserve our symbols, honor our heroes, let sports be joyous again? Carlyle said it was no good sign to deal much in vaticination, which Criticus is about to do (and which Carlyle did all his life). Criticus is also about to go back on his word not to try to emulate Carlyle in pronouncing upon the character of the age.

First, the pronouncement. Criticus characterizes this as the Age of Dubiety. Perhaps even the Age of Double Dubiety. That means doubt on both sides, though the character of the doubt is different on each. One side — we'll call it that of the Dastard Doubters — positively embraces doubt, seeing it as something like a principle, indeed a god, if they believed in a god. The other side — we'll call it that of the Delaying Doubters — finds its traditional beliefs under constant assault from the ruling elite and begins to doubt those beliefs and to become defensively apologetic, thereby little by little conceding ground to the Dastards. Patrick Buchanan unsuccessfully tried to persuade the country that this divide constitutes a culture war. Criticus thinks the culture war is not yet upon us, but he is led by the circumstances to make his prophecy. That is that there will not be a culture war, only gradual capitulation, unless there is what it is now fashionable to call a paradigm shift. Such a shift must involve both a reaffirmation of tradition and a reinvigoration of it that makes it new. For man cannot live by Doubt alone.

BOOKS

A bit of Clinton-backed disinformation

BY PETER HANNAFORD

Between 1995 and 1999, Switzerland's image metamorphosed from one of Heidi, chocolate, and cuckoo clocks to that of a nation of Nazi allies whose banks systematically robbed Jewish victims of the Holocaust. In this gripping volume, Angelo Codevilla, a professor of international relations at Boston University and former senior staff member of the Senate Select Committee on Intelligence, lays out in crisp, clear terms exactly how this happened. He also analyzes the dilemma the Swiss faced in World War II and how they solved it.

Peter Hannaford's latest book is The Quotable Calvin Coolidge: Sensible Words for a New Century, *reviewed in this issue of* CPR, *page 36.*

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He writes, "Switzerland's peculiar experience in World War II — managing to retain a degree of independence despite being surrounded by the Axis of Nazi Germany and Fascist Italy — teaches much about the complex meaning of deterrence, subversion, economic leverage, neutrality, the balance of power, and the balance between what a people want and what they can have."

CODEVILLA POINTS out that "... the Swiss were surrounded and utterly bereft of the coal and oil they needed to sustain their army and to keep from freezing and starving. The Germans alone decided how much fuel the Swiss would get, at what price and what they would accept in turn." The author attributes Switzerland's survival to military preparations, political ambivalence and economic machinations.

Americans have long admired the Swiss for their ability to survive such difficult experiences with their democracy intact. This was turned on its head beginning in August 1995, when Edgar Bronfman, of Seagram's liquor and media interests and president of the World Jewish Congress, launched a campaign to cast Switzerland in the role of World War II villain by alleging that Swiss banks had, in effect, stolen a large amount of money from European Jewish depositors, most of whom died in Nazi concentration camps.

Codevilla calls this campaign a "pseudo-event." That term was coined by former Librarian of Congress Daniel Boorstin to describe events that "exist only to the extent that anyone succeeds in getting them reported." He contends that "every scrap of information in the charges, defense and countercharges had been placed in archives a half century ago...In short, the authors of the campaign resurrected parts of an old story to support judgments diametrically opposed to the judgments of the original protagonists."

Between the Alps and a Hard Place

Switzerland in World War II and Moral Blackmail Today

by Angelo M. Codevilla

Regnery Publishing, 2000, 248 pages, $27.95, cloth.

He notes that Bronfman's was the largest family donor to the Democratic party in recent years and that the Clinton Administration gave tacit support to the campaign that resulted in two Swiss banks agreeing to pay $1.25 billion in what the author calls "protection money" to heirs of Jewish wartime depositors or supposed depositors.

Officials hinted at economic reprisals if Switzerland did not push the banks into paying up. The author's assessment of the campaign minces no words: "....the only real event was that another coalition of powerful Americans had mounted another campaign using the power and prestige of the United States government to funnel money into its own hands."

Abetting this effort, the author says, were former U.S. Senator Alphonse D'Amato, then chairman of the Senate Banking Committee, Ambassador to Switzerland Madeleine Kunin, Secretary of State Madeleine Albright and special envoy Ambassador Stuart Eizenstat, whose name is on a report intended to overturn the judgments of the Roosevelt and Truman Administration about Switzerland's role in World War II.

Chapters are devoted to Switzerland's military, political and economic situation during the war. The author reviews in detail the context in which Swiss policies had to be formed in those dark days.

HE CALLS the Clinton Administration's role in the anti-Swiss campaign "extortion" and casts it as part of a willful and wrong-headed foreign policy. He puts the affair in the larger context of our nation's world role. He says, "In the 1990s the image of imperiousness, moral hypocrisy, and impotence was becoming ever more dangerous to America."

This book should be "must" reading for all those journalists who suspended disbelief when Bronfman's charges were first made, then magnified by Clinton, D'Amato, Eizenstat and others. Indeed, he concludes that the affair "taught a destructive lesson: The U.S. government's talk of righteousness is less a banner that the American can follow than (it is) a fig leaf for special interests." *Between the Alps and a Hard Place* is strong stuff, worth reading.

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Republican Sage

BY JOHN KURZWEIL

THIS SMALL, handsome volume put together by *CPR* contributor Peter Hannaford contains, in addition to a large body of quoted wisdom, a quick-reading Coolidge biography that refutes the New Deal stereotype of our thirtieth president as a humorless, odd man — "silent Cal" — with a passion for greedy businessmen. William Allen White's famous 1938 Coolidge biography, *A Puritan in Babylon,* misquoted a line from a 1925 Coolidge speech to the American Society of Newspaper Editors. Coolidge was discussing how news and business coverage relates to readers. "After all," the president said, "the chief business of the American people is business." Hannaford comments: "He had stated accurately that most people were chiefly concerned with the daily business of their lives." White rendered it: "The business of America is business," which later Democrats cited as proof that Coolidge was a narrow-minded, commerce-worshipping materialist. Several lessons emerge from Hannaford's brief bio: 1) don't rely on newspapermen; 2) don't rely on New Deal historians; 3) as with Ronald Reagan, if you want to know the truth about Coolidge, read his own words.

Doing so shows that, far from being materialistic, Coolidge was squarely in line with America's great leaders from George Washington to Reagan (and, it seems, George W. Bush) who knew and still know that American freedom derives from American religion and that prosperity is a means made noble only if put to honorable ends. Some samples:

"The foundation of our independence and our government rests upon our basic religious convictions" — from a 1924 presidential address to the Holy Name Society. "Outside the teachings of religion there is no answer to the problems of life" — from a 1931 newspaper column. Coolidge spoke most eloquently on this point in a 1926 speech commemorating the 150th anniversary of the Declaration of Independence:

> In its main features the Declaration of Independence is a spiritual document. It is a declaration not of material but spiritual conceptions. Equality, liberty, popular sovereignty, the rights of man — these are not elements which we can see and touch. They are ideals. They have their source and their roots in religious convictions .... Unless the faith of the American people in these religious convictions is to endure, the principles of our Declaration will perish ....
>
> If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just power from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions. If anyone wishes to deny their truth and their soundness, the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction cannot lay claim to progress. They are reactionary.

Uttering this profound, yet plain, truth, of course, is what really irritates Democrats about Coolidge. He also understood politics. In words every Republican candidate should have inscribed in his hat and re-read every day, Coolidge said "the people know the difference between pretense and reality. They want to be told the truth. They want to be trusted. They want a chance to work out their own material and spiritual salvation. The people want a government of common sense." Read this book, then forward a copy to an office holder of good will. CPR

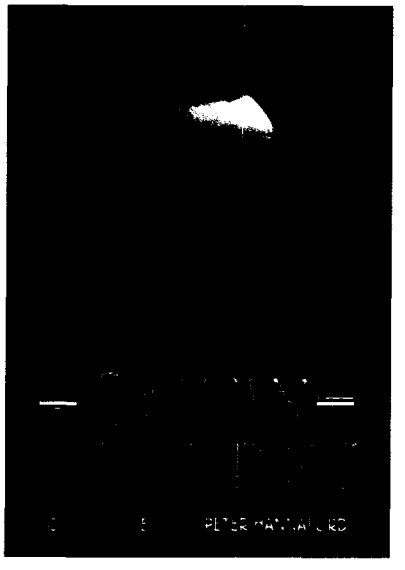
JohnKurzweil is CPR's *editor.*

The Quotable Calvin Coolidge

Sensible Words for a New Century

Compiled and edited by Peter Hannaford

Images from the Past, Bennington, VT., 2001, 191 pages, $19.50, cloth.



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If you believe that no government may legitimately tell us what to think about religion, morality, and politics; if you share our support for freedom of conscience, religious freedom, and free speech, then please use the form below to join us by adding your name as a signer to The Committee for Religious Freedom's Statement of Support for the three-judge panel decision in *Thomas v. Anchorage Equal Rights Commission.*

This Committee, which needs everyone's support, includes nationally-known Catholic, Protestant, and Jewish leaders: First Things Editor Rev. **Richard John Neuhaus**, nationally-known author Rabbi **Daniel Lapin**, Roman Catholic Bishop of Salt Lake City Most Rev. **George H. Niederauer,** Life & Times host **Hugh Hewitt**, Former U.S. Ambassador to the Vatican **William A. Wilson**, and Pastor **Laurence White** of Houston's Our Savior Lutheran Church. Please read our full statement and list of signers at our web site (www.cppf.org) or in *CPR's* Nov./Dec. 1999 issue.

These Religious and Community leaders support the January ruling in *Thomas v. Anchorage Equal Rights Commission* which upholds First Amendment religious freedom guarantees against lawsuits that would force landlords to choose between sacrificing their livelihood or renting against their religious convictions to unmarried couples. That ruling is now under review by an 11-judge panel of the U.S. 9th Circuit Court of Appeals.

"Landlords are accused of violating civil rights if they object on religious grounds to being forced to choose between renting to unmarried couples or going out of business," our statement reads. "But is it not *their* freedom of conscience and *our own* First Amendment Religious Freedom rights that are under attack?" If you agree that these rights should be defended, please sign and return this form today. Thank you.

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